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**Following protocol: the political geography of climate change policymaking in Canada**

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# **FOLLOWING PROTOCOL**

## **The Political Geography of Climate Change Policymaking in Canada**

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A thesis submitted in fulfilment for the degree of Doctor of Philosophy  
in Geography

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## **Abstract**

Canada is a country often painted as a unifying power and an honest broker in world affairs. She has a respected history within the United Nations and a tradition of championing international norms, especially to curtail dangerous actions amongst the community of nations. From NAFTA to peacekeeping missions, she has carved a respected niche in global politics, perhaps fairer than her domestic situation warrants. Recent economic and environmental problems challenge this legacy of international cooperation and the rule of law with poor implementation of key international treaties. Environmental problems, in particular, have not translated into robust environmental policies even though Canadian identity is intrinsically woven with the concepts of nature and stewardship. The issue of climate change is a case in point: Canada was one of the earliest and most vocal supporters of the international climate change regime, and simultaneously, one of the world's largest greenhouse gas emitters per capita. The government signed the Kyoto Protocol to the UN Framework Convention on Climate Change (UNFCCC) with a commitment to lower emissions by 6% of 1990 levels; yet emissions rose by 19% by the end of the commitment period. The country appears to suffer from a Jekyll and Hyde syndrome: defending international norms and the rule of law whilst at the same time ignoring the very treaties she fought to create. This thesis explores how the federal Canadian government shifted from being an international leader to a laggard in the Kyoto Protocol; and in doing so it will explain the socio-economic and political forces that shaped Canada's Kyoto strategy. A grounded theory research design was used, combining key informant interviews, policy document analysis, and participant observation. The case study raises important questions for a country such as Canada with lessons for climate politics both within the country and other federalist countries.

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## **Acknowledgements**

The eminent Canadian literary theorist, Northrop Frye, once described the expedition of Sir John Franklin as the ‘great Canadian theme’. The journey of this thesis from beginning to end has certainly imprinted on me the image of an expedition through the unknown wilderness. At times the path felt as long as the Northwest Passage; however looking back, I am proud of the research and fortunate for the incredible people and organisations who supported me along the way.

My dissertation has undergone two incarnations: beginning with a three-country case study before honing in on Canada. I am grateful for the people who inspired and guided me. My first supervisors, Michael Redclift and Mark Pelling provided the foundation for the research, including thoughtful brainstorming sessions that pushed me to think “outside the box”. My second, primary supervisor, David Demeritt, guided me intellectually, and starting in 2011, encouraged me to focus on the Canadian context. This was the turning point in the thesis and the research and analysis are better for it. The breadth of David’s knowledge and razor sharp wit went a long way to make our discussions more thought-provoking and rewarding for me. He was also my toughest critic, which is exactly what a supervisor needs to be and I could never have completed this thesis without him.

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credited given the sensitive nature of the topic, all contributed to my understanding of Canadian climate change politics. They challenged my assumptions and, collectively, passed on their knowledge and expertise to this study.

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## Acronyms & Abbreviations

AIJ	Activities Implemented Jointly
BC	British Columbia
CAD	Canadian Dollars
CAN	Climate Action Network
CAPP	Canadian Association of Petroleum Producers
CBC	Canadian Broadcasting Corporation
CCCE	Canadian Council of Chief Executives
CCME	Council of Ministers of the Environment
CCRES	Canadian Coalition of Responsible Environmental Solutions
CDM	Clean Development Mechanism
CEP	Communications, Energy and Paperworkers Union of Canada
CERs	Certified Emission Reduction Targets
CFCs	Chlorofluorocarbons
CO <sub>2</sub>	Carbon Dioxide
COPs	Conference of the Parties
COP1	First Conference of the Parties
COP3	Third Conference of the Parties
EC	Environment Canada
ENGO	Environmental Nongovernment Organisation
EU	European Union
ETS	Emissions Trading Scheme
FCCC	Framework Convention on Climate Change
FCM	Federation of Canadian Municipalities
G8	The Group of Eight
G20	The Group of Twenty Finance Ministers and Central Bank Governors
GDP	Gross Domestic Product

GEF	Global Environmental Facility
GHG	Greenhouse Gas
GUF	Global Union Federation
ICEM	International Federation of Chemical, Energy, Mine and General Workers' Unions
ICFTU	International Confederation of Free Trade Unions
IGOs	Intergovernmental Organisations
IPCC	International Panel on Climate Change
IR	International Relations
JI	Joint Implementation
JMM	Joint Ministerial Meetings
JUSCANZ	Japan, US, Canada, Australia and New Zealand Group
KPIA	Kyoto Protocol Implementation Act
Kyoto	Kyoto Protocol to the UNFCCC
LDC	Least Developed Countries
LFE	Large Final Emitters
MOP	Meeting of Parties
Mt	Megatonne
MoU	Memorandum of Understanding
MP	Member of Parliament
NAISC	National Air Issues Steering Committee
NAFTA	North American Free Trade Agreement
NC	National Communications
NEP	National Energy Program
NGO	Nongovernment Organisation
NRCan	Natural Resources Canada
NRTEE	National Roundtable on the Environment and the Economy
OECD	Organisation for Economic Co-operation and Development

PM	Prime Minister
TAR	Third Assessment Report (IPCC)
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environmental Programme
UNFCCC	United Nations Framework Convention on Climate Change
WMO	World Meteorological Organization
WTO	World Trade Organization

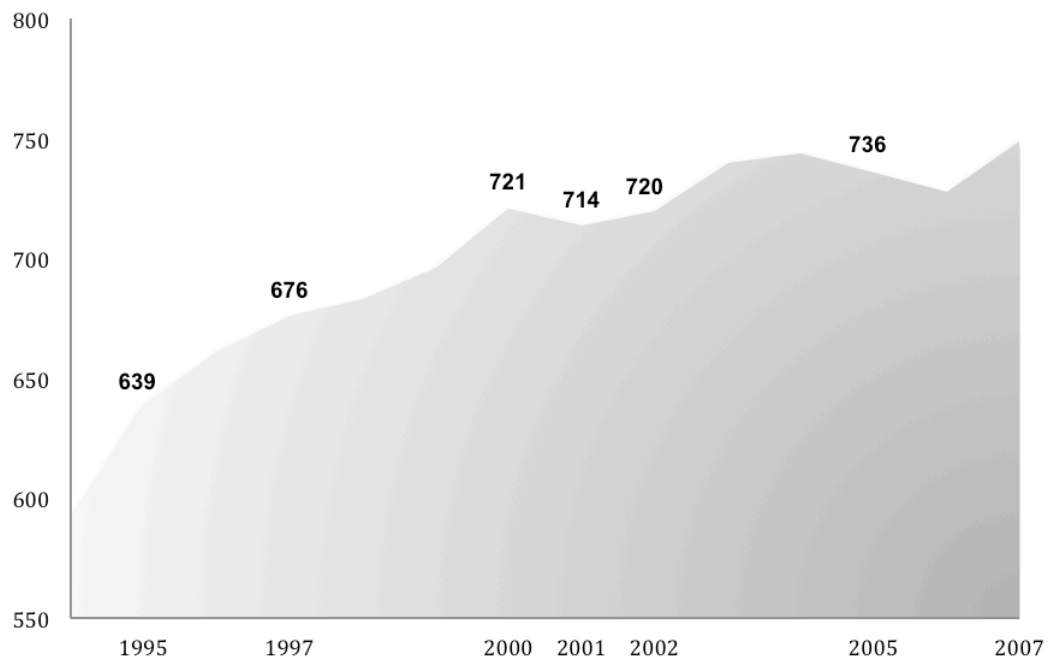
## **Chapter 1 Introduction**

In the history of climate change politics, the Kyoto Protocol has been a lightning-rod issue in foreign affairs. Although the Protocol was only intended as a modest first step to combat climate change, by setting legally binding targets to reduce global greenhouse gas emissions internationally by -5% of 1990 levels, it was dogged by controversy from its inception. Climate scientists and green groups labelled it weak and ineffective; industry groups and political leaders described it a ‘socialist plot’ to funnel money to developing countries. As the international community struggles to negotiate a more ambitious successor to the Kyoto Protocol, important questions arise about why this Protocol succeeded in some countries and misfired in others.

Canada was one of the original flag-bearers for international action on climate change, and for the Kyoto Protocol in particular, but also one of its biggest failures. The country was a forerunner in the Protocol negotiations, with multilateral environmental agreements traditionally enjoying strong support from the population. Yet Canada came nowhere close to actually meeting her Kyoto target. In 1997, the Government of Canada agreed to lower greenhouse gas emissions by -6% of 1990 levels; but by 2011 emissions had increased by 19% relative to the baseline (See Figure below for the country’s trajectory in GHG emissions). This thesis seeks to explain why this happened and how it was that Canada failed so spectacularly to meet her international obligations.

**Figure 1 Growth in Canadian GHG Emissions (Mt CO<sub>2</sub>e)**

(Source: Environment Canada)



There is now an extensive literature on the polarisation of climate change (Boykoff, 2011; Hulme, 2009; Cox, 2010; Demeritt, 2006; Crow and Boykoff, 2014). In particular, the UNFCCC negotiations have most often been studied within the context of the United States and Europe (Giddens, 2011; Compston and Bailey, 2008; Schröder, 2001; Patterson, 1996; Mintzer and Leonard, 1994; O’Riordan and Jäger, 1996); however, Canada’s participation is significant because it appears to represent a paradox. The country suffers from a Jekyll and Hyde syndrome of being one of the most vocal supporters of the UNFCCC; and simultaneously, one of the world’s largest greenhouse gas emitters per capita. The Conservative government came into power in 2006 and is blamed for Canada’s tarnished international image, exacerbated by its decision to withdraw from Kyoto in 2011. Indeed, the party largely dismantled the country’s federal climate change programme. However, emissions rose unabated for nearly ten years previously under the Liberal Party between 1993 to 2006 – a party that dedicated significant political effort and roughly \$3.7 billion CAD to meet its Kyoto targets. There

are many untested explanations as to why Canada failed, but relatively little academic study on the factors that influenced Canada's Kyoto strategy. The country raises many unanswered questions, and the lessons learned have significance for climate politics both within Canada and in other federalist countries.

## **1.1 Aim of this Thesis**

This thesis explores how the federal Canadian government shifted from being an international leader to a laggard in the Kyoto Protocol; and in doing so it will explain the socio-economic and political forces that shaped Canada's Kyoto strategy. The aim is not to grade the effectiveness of federal policies for reducing greenhouse gas emissions. There have been many notable studies on different types of climate change policies both within Canada and elsewhere (See Bernstein et al., 2008; Helm and Hepburn, 2009; Bakvis and Skogstad, 2008; NRTEE, 2012). Instead, the objective of this thesis is to test some of the major assumptions surrounding the Government of Canada's participation in the Protocol and to explain why the federal government pursued the course of action it did. In particular, the thesis seeks to answer the following research questions:

1. How and why did international norms and strategic interests align and motivate the Government of Canada's early support for the Kyoto Protocol?
2. What were the limits on unilateral action by the federal government and how did provincial demands and federal-provincial coordination processes shape climate change policies in Canada?
3. How, why, and with what wider effects did pressure from organised interest groups shape Canada's response to the Kyoto Protocol?
4. What lessons can we learn about Canada's participation in the Kyoto Protocol, for both the country and other federalist countries?



There are many reasons why Canada's behaviour in the Kyoto Protocol appears to be a paradox. As eloquently observed by Graham Allison and Philip Zelikow, '[w]hen we are puzzled by the happening in foreign affairs', which raises questions as to why and how the government acts the way it does, 'one typically puts himself or herself in the place of the nation, or national government, confronting a problem of foreign affairs, and tries to figure out why one might have chosen the action in question' (1999, p. 2-3). Treating a national government 'as a centrally coordinated, purposive individual' (Allison and Zelikow, 1999, p. 3) can be an appropriate frame of analysis when decisions reside with one or a few key individuals. There are certainly critical moments where the decision to pursue or abandon Kyoto came down to one decision-maker in Canada: the Prime Minister. However, this raises further questions about the knowledge base and beliefs of such individuals (what Herbert Simon (1985) referred to as 'bounded rationality'). For example, was the Prime Minister guided by strategic material interests or international norms of environmental stewardship and multilateralism? Moreover, one must not minimise the importance of the structure of the political system, the heterogeneous nature of government as an organisation, and especially the different levels of government in a federalist system. Different departments can often exhibit unique bureaucratic cultures and pursue competing agendas. Federalist countries add further difficulty in the analysis because of the domestic division of powers between the federal and provincial/state governments, both *de jure* and *de facto*. In many ways, Canada's participation in Kyoto can be viewed as a two-level game of negotiation: the international level between countries and the domestic level between the federal and provincial governments who must share control over environmental and energy policy. Globalisation also increases the influence of non-state actors and questions the singular importance of "the state" in world politics. Pluralism and constructivism within human geography abandon the traditional state-centric approach in international relations and political science. They focus on the

bargaining that occurs within government and the competing interests and ideas from different departments and non-state actors; as well as the role of the media reacting to and shaping public opinion. Furthermore, critical theorists and historical sociologists argue there is a false dichotomy between the state and society which needs to be dismantled. As E. Fuat Keyman proposes,

‘the interrelationship between the two constructs of the state and society must be understood in both theoretical and empirical terms. In other words, it is not “either the state or society” but “both the state and society” [...] The either/or logic [replaced by] “the both/and” logic’ (1994, p. 154).

We cannot completely escape a state-centric approach when examining Kyoto since international law assigns national governments with the power to negotiate on behalf of a country and a population, and thus become the gatekeepers for international agreements such as the UNFCCC.<sup>1</sup> However, it is vital not to treat “the state” as a monolithic entity; or even a rational actor, simply because it is the national government that has the final constitutional power to sign and ratify such an agreement.

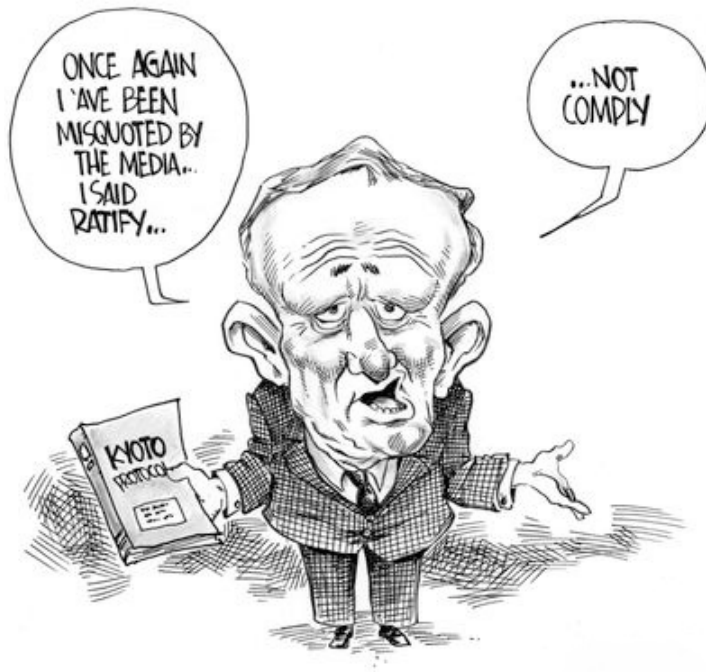
The second reason Canada’s behaviour in the Kyoto Protocol raises so many questions is because there are various widespread but untested explanations about state action and climate change politics (as well as a large amount of misinformation and hyperbole that surrounds this polarised issue), especially pertaining to countries, such as Canada, that receive less critical, academic analysis. For example, did Canada join Kyoto but fail to act simply because the government was motivated more by appearing “green” than championing action on climate change? Or was it a simple case of buyer’s remorse? Or did the federal government lack the power and political muscle to act without the provinces also on side? Or was the federal government in the pocket of powerful interest groups, namely the growing fossil fuel sector?

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<sup>1</sup> Moreover, state-centric approaches in academia and multilateral international negotiations can be harmful by excluding or marginalising indigenous peoples (Smith and Parks, 2010).

## Figure 2 Chrétien and Canada Not Complying with the Kyoto Protocol

(Source: Dolighan, n.d.)



Interestingly, our interpretation of state action reveals ‘regular and predictable characteristics that reflect unrecognised assumptions about the character of puzzles, the categories in which problems should be considered, the types of evidence that are relevant, and the determinants of occurrences’ (Allison and Zelikow, 1999, p. 4). Our untested assumptions echo competing worldviews and theoretical propositions of “the state” and politics. They can also become an initial starting-point to identify common theoretical explanations which can be tested by evidence and against one another.

This thesis is inspired by the work of Graham Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (1971), and Robert Putnam’s “Diplomacy and Domestic Politics: the Logic of Two-Level Games” (1988); using a critical realist, human geography methodology. These scholars examined challenging foreign policy topics using multiple theoretical perspectives and levels of analysis to compare the ability of each to explain the motivation behind decision-making and the

course of events. This approach is instructive by allowing the researcher not only to test the explanatory power of multiple theoretical propositions simultaneously but also to capture and represent a wider range of perspectives in the data. In this thesis, as I discuss in greater detail in Chapter 2, the research was both exploratory and explanatory. I used a grounded theory research design, combining key informant interviews, policy document analysis, and participant observation, with multiple theoretical approaches to understand and weigh different factors in the analysis: to view Canada's strategy to Kyoto under different "lenses" so-to-speak. Critical events were identified and unpacked to examine the most significant factors that influenced the federal government's Kyoto strategy, as well as the barriers and limitations on federal powers to act unilaterally. In fact, the failures and missed opportunities to implement Kyoto were more illuminating than the successes for investigating the complex set of political, economic, and social variables that shape policymaking and the lessons we can derive.<sup>2</sup>

## **1.2 Setting the Stage**

Our understanding of past and future climate change has become highly sophisticated ever since the French scientist, Jean-Baptiste Fourier, first predicted global warming and the greenhouse effect in 1827. Advances in climate science continued, and in the 1950s, scientists such as Roger Revelle, Hans Suess, and Harmon Craig drew the connection between fossil fuels and rising concentrations of greenhouse gases such as carbon dioxide (CO<sub>2</sub>). However, at the time, it was believed that fossil fuel production would level off at a moderate level and that the Earth's oceans could absorb extra GHG emissions. It was not until 1959 and the work of Bert Bolin and Erik Eriksson that the ocean's "buffering" mechanism was called into question and atmospheric CO<sub>2</sub> was calculated to rise

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<sup>2</sup> Policy success as defined by the ability of the government to fulfill their publicly expressed policy objectives.

exponentially by 25% by the end of the century. For obvious reasons, this raised the alarm within the global scientific community and, in 1979, the first World Climate Conference was held by the World Meteorological Organization calling on governments ‘to foresee and prevent potential man-made changes in climate’. Prominent Canadians such as Maurice Strong,<sup>3</sup> Kenneth Hare,<sup>4</sup> James Bruce,<sup>5</sup> Howard Ferguson,<sup>6</sup> and Arthur Collins,<sup>7</sup> were politically active throughout this first response, which became a source of pride for the Government of Canada and helped foster a sense of Canadian ownership of the climate change problem.

In addition, in 1988 the Toronto Conference on Changing Atmosphere was held in Canada, which was the first time that government formally addressed the problem of climate change. It helped that 1987 was the hottest year in recorded history and that the Conference produced both the International Panel on Climate Change and set out the optimistic goal to reduce GHG emissions by 20% of 1988 levels by 1995 (the same expressed by the Canadian government at the time). Of course, the objective was never realised; however, the IPCC would prove to be a major impetus for international political action. It was established jointly by the WMO and UNEP to ‘assess on a comprehensive, objective, open, and transparent basis the scientific, technical, and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change’. The IPCC Response Strategies Working Group in 1990 also appointed Canada, Malta, and the United Kingdom to develop the initial framework convention on climate change in advance of negotiations. That year the Government of Canada released *The Green Plan*, which allocated \$175 million CAD to GHG emission reduction policies

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<sup>3</sup> First Director of the United Nations Environment Programme.

<sup>4</sup> One of the organisers of the First World Climate Conference, 1979. Later appointed first Chair of the Canadian Climate Program Board.

<sup>5</sup> Chaired the 1985 Villach Conference, “Assessment of the Role of Carbon Dioxide and of Other Greenhouse Gases in Climate Variations and Associated Impacts”.

<sup>6</sup> Organised the Second World Climate Conference, 1990.

<sup>7</sup> Assistant Deputy Minister, Atmospheric Environment Service who later formed the Canadian Climate Centre and the Canadian Climate Program Board.

using “soft” policies such as research, public education, energy efficiency, and support for renewable energy.

The momentum of the Toronto Conference carried through to 1992 during the World Conference on Environment and Development. The now famous Rio Declaration established the UN Framework Convention on Climate Change (UNFCCC). The goal was to seek ‘stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system’ (Article 2). The UNFCCC was based largely on the Montreal Protocol on Substances that Deplete the Ozone Layer and the US–Soviet nuclear-arms agreement (Schiermeier, 2012).<sup>8</sup> The Montreal Protocol was a natural model since it is arguably the most successful international environmental agreement to date leading to the emission reductions of compounds that threaten the stratospheric ozone layer. The Montreal Protocol was established in 1987 with significant amendments in 1990 and 1992. The rationale behind multilateral action and rule by consensus were translated from the Montreal Protocol to the UNFCCC process including the principle of ‘common but differentiated responsibility’ and calculating emissions reductions as a percentage against a “business-as-normal” baseline. The 1990 baseline which was eventually agreed under Kyoto would become a major issue for domestic opposition within Canada as it was seen to give European countries, who were transitioning away from “dirtier” forms of energy, with an unfair advantage.

The first Conference of the Parties (COP1) under the UNFCCC was held in 1995 in Berlin. Even at this first Conference it was evident that existing commitments were inadequate for meeting the UNFCCC goals and the ‘Berlin Mandate’ was established to strengthen the commitments through a protocol or other legal instrument using quantified

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<sup>8</sup> As explained by Gwyn Prins, who studies environmental politics at the London School of Economics and acted as an advisor for the British negotiating team in 1992, ‘[t]ake out nuclear warheads, put in CO<sub>2</sub> — the basic idea was as easy as that’ (Quoted in Schiermeier, 2012, online).

emission targets. The inclusion of a “legally binding” measure was a surprising development on the part of developed countries, especially from the United States. Although the United States linked its support for such commitments and timetables to “flexible mechanisms” it, nonetheless, represented a significant step in the negotiations and brought renewed optimism going forward (Schröder, 2001, p. 62). In 1995, the Canadian government launched the National Action Program on Climate Change, which created the Voluntary Challenge and Registry for companies to submit voluntary greenhouse gas emission policies and reports, retrofits for federal buildings, and once again public education.

Throughout this period, environmental nongovernment organisations pushed for stronger commitments and action from states, and helped to find common ground over contentious issues. For example, the compromise over “joint implementation” (whereby parties to the Convention can implement climate change policies jointly with other parties or assist other countries in reaching their own domestic commitments [Article 4.2(a)]) was originally conceived by ENGOs. As Matthew Patterson explained, ‘[t]he origin of “joint implementation”, as it became known, can be traced to a workshop organised by the Center for International Climate and Energy Research, an NGO based in Oslo, in July 1991’ (Hanisch cited in Patterson, 1996, p. 110). The Canadian ENGO, the International Institute for Sustainable Development (IISD), was also officially in charge of reporting on the UNFCCC negotiations: producing daily summaries (“Earth News Bulletins”) which reported the daily events, issues under negotiation, and important proposals and submissions.

Following from COP1 in 1995, the “Ad Hoc Group” was formed to begin negotiations on the legally binding commitments with the self-imposed deadline of COP3. The Kyoto Protocol to the United Nations Framework Convention on Climate Change was created at the Conference in 1997; and so made the starting point for this

thesis. It was a surprising development in international consensus as OECD countries under Annex I signed up to legally binding emissions targets, something usually reserved only for security or economic agreements. While many environmentalists argue that the Kyoto targets should have been more stringent, in terms of international law, Kyoto was remarkable since it holds developed countries to mandatory commitments. In fact '[t]he speed with which scientific knowledge of climate change has been translated into an international diplomatic consensus is remarkable, if not unprecedented' (Demeritt, 2001, p. 307). This was even more so because many countries in North America and Europe signed the Kyoto Protocol with little understanding of implementation and the costs and benefits to their national economies.

### **1.3 Three Perspectives**

Historically there has been little academic study of Canada within the field of climate change policy and politics, although this has improved in recent years especially in comparative research with other countries (Steinberg and VanDeveer, 2012; Harrison and Sundstrom, 2010; Compston and Bailey, 2008). The most notable scholars contributing research on Canada and the politics of climate change are Steven Bernstein, Douglas Macdonald, and Kathryn Harrison. These scholars address similar domestic and international political, economic and institutional factors hindering Canadian climate change policy; although approaching the topic from different disciplines. For example, Bernstein (2002) examines Canada's response to Kyoto from an international relations perspective and the process in which international pressures can influence domestic policies. The work is particularly informative by positioning the analysis within a solid theoretical constructivist framework. Macdonald (2001; 2007) examines the business lobby in the domestic climate change debate, and Macdonald (2008; 2013) offers insight



into the domestic power struggles between the federal and provincial levels of government, exacerbated by historic, regional divisions. Harrison and Sundstrom (2010; 2007) and Harrison (2010; 2007) provide a comparative analysis of Kyoto's implementation in various countries including Canada. In particular, Harrison and Sundstrom (2010) tackles the central question about whether Canada, and specifically Chrétien's government, was sincere in its desire to implement Kyoto. Harrison (2010) sees Ottawa's intentions as genuine, but explains how Canada's decentralised federalist system, trade-dependent economy, and shallow public knowledge of climate change hindered climate policy. In particular, electoral disincentives are cited as a major obstacle to robust climate policy.

This thesis is original not only in the depth of research but also in the overall conceptual approach. Too often within the social sciences, case-studies are examined using one, or sometimes two, theoretical models with various factors tested against the model. Sometimes the research is not even explicit about its analytical framework and simply investigates a series of factors without situating them under a conceptual umbrella for how such factors will be weighed against one another. This thesis starts from the understanding that different theoretical models will prioritise different sets of factors, and thus lead to a unique reading of events. It is insufficient to study Canadian politics by exploring factors such as the economy, political ideology, parliamentary democracy, regionalism, public opinion, and interest groups without first explicit reference to how the state and the actions of government are defined, especially since different disciplines and models will gravitate towards different scales of analysis (for example international over subnational factors, or group over individual action). This thesis is guided by three, unique theoretical perspectives of politics; as such, the research is able to not only capture a wide range of socio-economic and political factors in the case-study, but offers an opportunity to test the explanatory power of each perspective.

In addition to these different sets of literature, the research did not focus exclusively on the international level analysis as is often the case. The domestic context within Canada and the internal political battles and negotiations were often more important than Canada's behaviour at the UNFCCC negotiations themselves. This is important since environmental issues, such as climate change, 'cut across the dividing line between domestic politics and international politics in ways not taken sufficiently into account by the traditional approaches' (Jackson and Sørensen, 2003, p. 273). Within international relations, several strands 'have been developed on the basis of there being a radical distinction between local, national, and international processes' which environmental issues can undermine (Baylis and Smith, 2001, p. 394). In fact, such approaches 'often require significant revision to take proper account of the particular characteristics of environmental issues' (Baylis and Smith, 1995, p. 393). Finding the balance between the international and domestic scales of analysis was a challenging but necessary part of this research.

This thesis is unique in that it was guided in a systematic way by three research questions, each of which speak to different over-arching explanatory perspectives. They are divided by chapter and encompass sets of theoretical propositions for why Canada moved from a leader to a laggard. In doing so, they also offer unique explanations by employing subtle yet distinct definitions of the state and examining different sets of factors in the political equation. This research does not attempt to merge theories; however, side-by-side they offer a more comprehensive analysis of politics resulting from their specific strengths and weaknesses. In doing so, the case study becomes explanatory, not just descriptive with lessons that can then be generalised and applied to a variety of complex government actions (Yin, 2009). The secondary literature defining each perspective was folded into the analysis chapters in order to weave the basic framework

for each more closely with the discussion to hand; however, below is a brief overview of each perspective and approach, broadly framed by the three research questions.

**Research Question 1: How and why did international norms and strategic interests align and motivate the Government of Canada's early support for the Kyoto Protocol?**

The field of international relations offers an intuitive starting point to examine Canada's foreign policy decision to join the Kyoto Protocol. At its core, IR focuses on the conditions for conflict and cooperation between states and much of the literature on international institutions and regime formation can be applied to the UNFCCC and Kyoto Protocol. Although international relations theory has traditionally been developed for economic or security issues; environmental agreements introduce new issues and players that offer us the opportunity to refine our understanding of foreign affairs and international diplomacy (See Burchill et al., 2001). Climate change even transforms the traditional view of security in an environmental context. For example, there have been several *US Quadrennial Defense Reviews* (2006, 2010, 2014) that link climate change to national security in the 21<sup>st</sup> century. Scholars such as Patterson (1996), Porter and Brown (1996), and Homer-Dixon (1999) have developed the IR perspective for environmental issues, although few focus on the Canadian experience.

Broadly speaking, international relations adheres to a state-centric approach which treats national governments as unified, rational actors, typically personified by the actions of key decision-makers (i.e. The Trudeau Doctrine or Bush Doctrine). The question then becomes how one defines and weighs their choices, usually framed as "comprehensive" or "bounded rationality" (Simon, 1985). The central question posed by the field is whether states as rational actors are motivated by strategic, material interests, as the so-

called neorealist tradition of IR would have it (Waltz, 1979; Mearsheimer, 1994); or whether states are *also* influenced by norms and ideas which frame their decision-making process, as an alternative ‘constructivist’ perspective would have it (Wendt, 1992, 1995; Finnemore and Sikkink, 1998).<sup>9</sup> Put another way, ‘the question of debate is [...] whether rational choice, deductive-type approaches, or interpretive approaches are most appropriate for the study of international cooperation’ (Haas, 1992, p. 3). Unsurprisingly, neorealism also holds a higher degree of cynicism for international cooperation while social constructivists see opportunity for extended periods of cooperation galvanised around issues, such as environmentalism or human rights. Most foreign policy is examined as a cost-benefit analysis in which a government’s objectives are measured against various options and consequences; however, constructivism (and to a lesser extent international institutionalism) also includes the role of norms in decision-making processes. As will be discussed in more detail in Chapter 3, this conceptualisation of the state and of the role of interests versus ideas is an important but contentious area of study within the field. Two theories capture this debate: neorealism and social constructivism (not to be confused with “constructivism” in human geography), which offer competing views about whether material interests or norms shape foreign policy and, crucially, the perception of national interest amongst key decision-makers. Chapter 3 explores the degree to which norms of environmental stewardship and multilateralism aligned with Canada’s national interest in the early Kyoto Protocol negotiations.

Neorealism and constructivism provide an instructive framework for examining the international level dynamics between states, the macro-patterns in state-level decision-making processes exemplified by different notions of interest, norms and rational behaviour. However, Canada is a highly decentralised federalist country, and

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<sup>9</sup> Constructivism within IR views state interests as ‘constructed’ through values rather than being self-evident as neorealists. This is different from the way that constructivism has been used by geographers in an anti-essentialist mode to refer to the construction of things or knowledge or both (Demeritt, 2002).

examining the rationale behind federal policy is only one side of the coin. There remain many unanswered questions including whether the federal government even had the power to implement Kyoto without the provinces (research question two); as well as the power of organised interest groups and the heterogeneous nature of the federal government itself which challenges the notion of the state as a unified actor (research question three).

**Research Question 2: What were the limits on unilateral action by the federal government and how did provincial demands and federal-provincial coordination processes shape climate change policies in Canada?**

Expanding the rational actor model, the second research question focuses on the structure of the state, institutional architecture and division of powers between the federal and provincial governments which put the brakes on Canada's Kyoto ambitions. Although the federal government is still treated as a unified entity in this analysis; it is not assumed to be the most powerful. Whereas foreign policy and treaty-making are powers held by the federal government; in Canada, power over environmental and energy policy predominately resides with the provinces (although the federal government does retain some important levers over taxation, the criminal code, and under the 'peace, order, and good government' clause of the constitution). As Chapter 4 will examine, a majority federal government in Canada can ratify international treaties without the provinces, but then has limited powers to act unilaterally to implement them. This reality of the federalist system has posed significant barriers for many issues such as energy policy, health care, and constitutional amendments (i.e. the Meech Lake Accord), and provides a powerful argument for why Canada struggled to implement her emission reductions to which she had pledged herself when signing the Kyoto Protocol.

Drawing on literature from political science and political geography, Chapter 4 examines the distribution of power within the Canadian state, the need for strong executive-to-executive coordination between federal and provincial governments, and the multiple veto points within the federalist system. Special attention is dedicated to why there was a five-year gap between signing and ratifying the Protocol, especially considering the Liberal Party enjoyed a comfortable majority in the House of Commons. Robert Putnam's metaphor of two-level diplomacy (1988) suggests that in matters of foreign policy, domestic level negotiations are equally important to the analysis as the international level negotiations. This is amplified in a highly decentralised and regionally divided country such as Canada. Thus, the power dynamics between Ottawa and the provinces takes centre stage in the analysis.

**Research Question 3: How, why, and with what wider effects did pressure from organised interest groups shape Canada's response to the Kyoto Protocol?**

Although the division of powers in a federalist country is crucial, an exclusive focus on structure and institutions ignores the potential role and influence of external actors in framing the issue, setting the agenda, and exerting both direct and indirect pressure on the actions of the state. The final research question thus widens the aperture to examine the degree to which interest groups shaped the climate change agenda and exerted influence over the government's Kyoto mandate. The rational actor model of the first two approaches is put to one side and instead the federal government is treated as one actor amongst many in Canada.

Within international relations, homogenising the state works well for examining inter-state and intrastate bargaining (the analogy of players on a chessboard is often employed). However, by generalising the state as a unified, rational actor, one loses sight

of the heterogeneous nature of the state, which may, in fact, hide the explanations behind the course of events. As summarised by Allison and Zelikow, ‘differences matter’:

‘[t]he apparatus of each national government constitutes a complex arena for the international game. Political leaders at the top of the apparatus are joined by officials who occupy positions on top of major organisations to form a circle of central players. [...] Beyond the central arena, successive, concentric circles encompass lower level officials in the executive branch, the press, NGOs, and the public. Ongoing struggles in outer circles help shape decision situations among players who can affect the government’s choice and action in the case in question’ (Allison and Zelikow, 1999, p. 255-6).

Here external actors are given prominence and the actions of government are treated as the outcome of a series of micro-political games between state and non-state players. Literature on organisational behaviour (North, 1990; Allison and Zelikow, 1999), epistemic communities and social learning (Haas, 1992, 2000; Demeritt, 2001), and especially pluralism and business dominance theory (Macdonald, 2001) are used to explore the channels of influence for both internal and external lobbying, group choice, and bureaucratic culture. These different sets of literature may not appear similar at first glance, but they focus on the fabric of government and the politics *within*, rather than treating the state as a monolithic entity with a singular objective. It is less about the state as a rational actor, or even the structure of the system; but rather about the channels of influence for non-state actors – looking beyond the state to powerful vested interests that can shape government policy. Influential stakeholders such as environmental nongovernment organisations, labour unions, major trade associations and others which all act on behalf of key interests in the Canadian climate change debate.

**Table 1 Breakdown by Research Question**

	Level of Analysis	Primary Actor(s)	Critical Factors
<b>RQ 1</b>	International	States	International Norms & Strategic Interests
<b>RQ 2</b>	Domestic	Federal & Provincial Government	Structure of the State
<b>RQ 3</b>	Domestic	Interest Groups & the State	Internal & External Lobbying

## **1.4 Thesis Structure**

Each lens of analysis offers a different piece of the puzzle to study the paradox around Canada's evolution from forerunner to straggler in the Kyoto Protocol. Collectively, they highlight complementary scales of analysis from the international to subnational; and epistemological interpretations. Although the literature draws upon varying academic fields, at their core, they wrestle with the same fundamental questions about "the state" and the relative importance of ideas, institutional structures, and external interests in determining policy outcomes. There will be few easy answers but Canada's failure to implement Kyoto offers the opportunity to assess multiple factors simultaneously and to refine our understanding of how policy is formed within a federalist system. In doing so, failed agreements like Kyoto allow us to unravel international and domestic politics and improve our theoretical understanding.

To that end, the thesis is structured as follows. Chapter 2 outlines the research approach and methodology. Due to the sensitive nature of the political topic and the multiple theoretical approaches that will be woven together, a carefully designed, grounded theory approach was chosen. Chapter 2 explains how the research moved from exploratory to explanatory analysis, how the different theories were built upon one another like scaffolding of a building, and how the data was collected. Special attention is



given to how in-depth interviews were structured, as well as methods of data triangulation and cross validation.

This is followed by three analytical chapters encompassing the three perspectives or lenses of analysis as outlined above (Section 1.3). They loosely follow the chronology of events so that, by the end, the reader has a thorough understanding of the course of events. Chapter 3 provides the first approach rooted in international relations theory which asks: how did international norms and strategic interests align and motivate the Government of Canada's early support for the Kyoto Protocol? The early exploratory data collection revealed that the Government of Canada was motivated principally by strategic issues related to reputation, their relative position with the United States, and deep-seated support for multilateralism and environmental stewardship amongst the Canadian public and decision-makers of the time. Chapter 3 dissects each of these threads to understand to what degree norms influence Canadian foreign policy. The chapter also explores concerns over international reputation and the relationship to the United States; which not only speaks to the neorealist view within IR but a feature of Canadian politics and academia around the country's position in the world. Given the nature of the inquiry, the research draws heavily from in-depth interviews with political insiders (members of the Canadian UNFCCC delegations, Ministers of Environment, government officials, as well as esteemed observers who have worked closely with the federal government). The findings were analysed through both a neorealist and social constructivist view of the state and foreign policy. Neorealism treats the actions of the Canadian government in strategic terms; whereas social constructivism explores the *formation* of state interest instead of treating them as a given. As explained above, by using both approaches, there is a more comprehensive examination of why the Government of Canada pursued the course that it did.

Chapter 3 provides a starting line in the overall analysis but the story cannot focus exclusively on the international level. While international relations theory offers a satisfactory explanation for why the federal government of Canada under Chrétien joined the Kyoto Protocol, the government's overall strategy and action over the next nine years cannot be extrapolated from this vantage point alone. Thus, Chapter 4 considers implementation and explores the extent to which Canada's actions after 1997 were ultimately driven by the structure of the federalist state and division of powers within the country. Drawing on work from political science and political geography, the chapter focuses on the domestic level politics between Ottawa and the provinces between 1997 and 2010, with particular attention to a) the powers of the federal government to act unilaterally and the political costs associated with different policy options, b) the diminished capacity of the federal and provincial governments in policy formation, c) the domestic-federal consultation process and its ability to establish consensus, and d) the multiple veto points in the Canadian federalist system which hindered Ottawa's Kyoto ambitions. The analysis also branches out to the wider history of two-level politics between the federal and provincial governments, including the legacy of the National Energy Program (NEP). The data focuses on primary sources including government reports, minutes from Parliamentary debates, official government communiqués and press releases, and media sources. However, in-depth interviews with government insiders were vital to contextualise the government sources, especially the conflict between Ottawa and the provinces and the political tactics of the latter. This period in Canada's climate change policy becomes even more fascinating as the provinces have since moved ahead without the federal government. This gives weight to the hypothesis that the structure of the federalist system, and the disproportionate powers of the provinces, dictates the actions of Canada as a whole, or in the case of the Kyoto Protocol, the lack thereof.

Chapter 5 expands the domestic level analysis further to examine perhaps the most complicated area under investigation: the role of organised interest groups within Canada in shaping the country's Kyoto strategy. It was also one of the most challenging areas of research due to the number of actors under investigation, the scope of the data, and the sensitive political nature of the topic. Simply put, no government department wants to be seen as in the pocket of business and certain channels of influence proved to be murky areas of investigation. The typography of vested interest groups is identified and examined through four main channels of influence: campaign finance, agenda-setting, investment and capital strike, and subtle, internal influence fostered by a close professional relationship with different departments of government, informing their policy design. After assessing the relative importance of each in shaping Canada's climate policy, the chapter concludes by reflecting on the significance of its particular findings for this wider tradition of explaining policy outcomes as the result of pluralist political influence.

In the final conclusion, Chapter 6, the main empirical findings are summarised followed by a critical reflection about the three broad analytical approaches and the relative explanatory power of each. The conclusion ends with wider implications for both the politics of climate change and politics in Canada along with lessons learned.

## **Chapter 2 Research Approach & Methodology**

The aim of this thesis was to explain climate change policymaking in Canada which raised important issues about how one conceptualises power, policymaking, and even the very definition of explanation and causation within the social sciences. Without getting too embroiled in debates about ontology and epistemology, this chapter will provide a synopsis on how I approached this area of inquiry before leading into a detailed explanation of the methodology, highlighting some of the important issues and obstacles for this type of research.

### **2.1 Investigating Government Politics and the Policy Process**

The policymaking process can be viewed as a dynamic and open system, so rather than attempting to isolate effects in the Canadian system one by one, this thesis examined ‘multiple generating mechanisms’ operating simultaneously and at various levels (Kurki, 2002, p. 11). As such this thesis rejected positivism and the idea that it is possible to identify universal processes from which to make predictions that would apply to all times and places. Instead, it drew on the traditions of interpretative social science to understand the development, operation, and transformation of social systems (Flyvbjerg, 2001; Winch, 2008). It examined the structure of the political social system and division of power as defined by its structure and material interests; and also power expressed through ideas, motivations, and intentions. As explained by Ted Palys,

‘any effort to understand human behaviour must take into account humans are cognitive beings who actively perceive and make sense of the world around them, have the capacity to abstract from their experiences, ascribe meaning to their behaviour and the world around them, and are affected by those meanings. [Thus] in many situations the influence of “reality” (if indeed such a thing exists independently of our experience of it) pales in comparison to the influence of our perceptions of this situation – indeed, those perceptions *define* our “reality”’ (1997, p. 16-7).

At home or down at the pub, most people accept there is an “external” or independent reality (Putnam, 1975). Even our language locks us into this way of thinking; for example, how we refer to “the true nature of things” or “market forces”. Thus, critical realism regards society ‘as an ensemble of structures, practices, and conventions which individuals reproduce and transform, but which would not exist unless they did so’ (Bhaskar, 1989, p. 36). To investigate and explain climate change politics and policymaking in Canada, this research adopted the motto of the Thomas theorem: ‘[i]f men define situations as real, they are real in their consequences’ (Thomas and Thomas, 1928, p. 572). This critical realist interpretation also predicts that such ‘generating mechanisms’ change over time (Palys, 1997; Kurki, 2002). If perception matters then context is also important. One cannot explain federal climate change policymaking in Canada without understanding the institutional context and shifting processes that led state and non-state actors to interpret and respond as they did within the political system over time.

I embraced the notion that state and non-state actors hold different interpretations of policymaking and that these patterns of interpretation can define *and* confine the policymaking process, as much as constitutional law or the size of the deficit. Moreover, the three broad theoretical perspectives, or “lenses”, used in the analysis implicitly adopted different interpretations of the state and the actions of government. The most significant distinction resides between the rational actor model employed in Chapter 3 and Chapter 4, where the federal and provincial government are defined as self-contained and purposeful actors in the system. In Chapter 5, the pluralist model treats the government as one actor amongst many in society and blurs the distinction between government and society. Most importantly, this latter approach does not treat the federal Government of Canada as a single entity but focuses on the heterogeneous nature of government. As a result, these models differ in how they value the power of the state,

conceptualise the actions of government, and the influence of interest groups and ideas on policy objectives.

The theories were organised with an interpretive research design rooted in the assumption that knowledge is filtered and ultimately understood through constructed realities. As Thomas Kuhn demonstrated in *The Structure of Scientific Revolutions* (1962), whether wittingly or unwittingly, scientists are guided by community paradigms, and ‘work from models acquired through education and through subsequent exposure to the literature’ (3rd Edition, p. 46). The natural sciences have undergone an analytical transformation whereby logical positivism has been challenged by critical realism, feminist critique, and postmodernism. This is true for the natural sciences, and is doubly true for the social sciences where the relationship between observer and subject is inseparable.

## **2.2 Research Design and Empirical Targets**

The heated debate surrounding climate change politics brings about strong opinions; and a careful research design and methodology was required to ensure the findings did not simply amount to political gossip. I chose to develop an inductive, qualitative research design using a longitudinal case study analysis of Canada and her response to the Kyoto Protocol. Such a design is well-suited for unravelling political processes and understanding “why” and “how” things happened as they did (Bryman, 2004, p. 278-9; Yin, 2009, p. 2). Moreover, exploratory case studies are practical when conducting causal studies, especially for complex studies into organisational behaviour (Berg, 2003) and conceptualising the findings (Bryman, 2004).

Canada’s participation in the Kyoto Protocol and subsequent implementation policies were examined between the years 1997 and 2010, although the period between

1997 and 2006 is discussed in greater detail as the research pointed to critical events within those nine years. The starting point, 1997, was chosen since it was the year the Kyoto Protocol was created and indeed signed by the Canadian government. By 2006, the Liberal Party was replaced by the Conservatives as the ruling party in a minority federal government, and the federal climate change programme was largely dismantled or allowed to fall into abeyance. Preceding the 2006 election, it had been the stated aim of the federal government to meet its Kyoto commitments (even if viewed with cynicism, a large amount of financial and political capital was spent to meet the country's Kyoto commitments). After 2006, there is far less evidence to show that the federal government under the Conservatives actively pursued an implementation strategy, and the country announced its withdrawal from the Kyoto Protocol in December, 2011. Historical context before 1997 is introduced when relevant (principally with reference to Canada's national identity, history in the international climate change regime, traditional regional divisions, and the National Energy Program). Provincial policy after 2006 is also of note in order to contextualise the domestic policy trajectory. Focusing the analysis on policymaking under the Liberals also allowed greater control comparing different actors under the same political party; yet a long enough time frame to track the evolution of Canadian climate change policy over many years.

The federal government is the central protagonist in this study; in particular, the decision-makers directly involved in the Kyoto mandate from the Head of State (Prime Minister), Cabinet Ministers, negotiators, and government officials. Particular attention was paid to the federal Ministries of the Environment, Natural Resources Canada, and Foreign Affairs Canada who shared the climate change file. Followed by the Climate Change Secretariat, Privy Council Office, the Canadian Council of Ministers of the Environment (CCME), and National Roundtable for the Environment and the Economy (NRTEE) who were also active in domestic consultation and policy formation. Even

when the federal government appeared to be acting as a unified body, the analysis sought to draw out the prominent decision-makers within the government who were driving the policymaking process at that time. This is especially important in the Canadian context where both federal and provincial governments enjoy a strong executive under majority governments (as explained in Chapter 4 Section 4.2). Non-state actors also played a prominent role in the analysis, especially in agenda-setting and internal/external lobbying efforts to influence government policy. Indeed, the line between state and non-state actors is often blurred; for example, Canada's UNFCCC delegations include scientists, nongovernment organisations, corporations, trade associations, and labour unions. In addition, non-state actors enjoy a close relationship with all levels of the Canadian government, shaping ideas and offering professional expertise as analysts and advisors (as seen with many of the respondents in this thesis) who move in and out of the government over their careers.

The qualitative research design employed a grounded theory approach which started with exploratory research and progressively became more explanatory, using the three broad theoretical perspectives. There was an initial, cursory literature review; however, early data collection was not guided by one set of theoretical propositions from the start. The data was allowed to speak for itself and collection came before theoretical propositions and analysis. As explained by Walsham, '[a]lthough theory can provide a valuable initial guide [...] there is a danger of the researcher only seeing what the theory suggests, and thus using the theory in a rigid way which stifles potential new issues and avenues of exploration' (1995, p. 76). Since the aim was to use multiple, contrasting theoretical propositions, it made no sense to frame data collection around one theoretical approach. Instead, data collection and analysis became an iterative process, whereby data was collected and multiple theories were tested and revised; then more data was collected, and the process repeated. To illustrate, during the initial data collection, the data pointed



towards international level processes, especially when Canada first signed the Kyoto Protocol. Theoretical propositions from international relations offered robust explanatory power. However, the data then shifted and pointed increasingly to domestic level factors influencing Canada's implementation for which IR was less equipped to examine. Thus new theoretical approaches took over. Theory was not the starting point but part of the analysis itself. 'A simple metaphor [...] is the use of scaffolding in putting up a building, where the scaffolding is removed once it has served its purpose' (Walsham, 1995, p. 76).

Grounded theory works well when the researcher has a strong 'theoretical sensitivity' to the subject or field (Strauss and Corbin, 1990). This thesis benefited from my previous knowledge and experience of climate change science and policy, which in turn, allowed for a flexible research methodology as new issues emerged and circumstances changed. My academic background in climate change policy and professional work with the Canadian Institute for Environment Law and Policy (CIELP) and the International Institute for Environment and Development (IIED), amongst others, gave me a head start on the subject matter. It was especially valuable for attending the Kyoto negotiations (COPs/MOPs), building credibility with respondents, and crafting interview questions (as Section 2.2.2 will explain). It also allowed me to juggle multiple data sources and contrasting literatures during the analysis, which offered diverging perspectives but also a fair degree of overlap, even blurriness, between the analytical boundaries. Such data would have been more challenging to manage without a firm understanding of climate change politics and international negotiations from the start.

Data collection took place in two phases. As mentioned in the Acknowledgements, this thesis has undergone two incarnations. Originally it was designed as a multi-country case study: comparing and contrasting three countries and their strategy to the Kyoto Protocol. Unfortunate personal circumstances led to disruption and interruption in the research, so the project was reframed with a focus on just the

Canadian case, and the interplay between the national and international dimensions shaping Canada's approach to the Kyoto Protocol. This was done because the data increasingly stressed domestic as opposed to international forces. The initial, primary data collection and the majority of the direct observation and exploratory interviews took place between 2003 – 2006 while the Liberal Party held power or shortly thereafter. The interview questions were exploratory and not guided yet by identified theoretical propositions. They were designed to capture the perception and views of respondents; as well as flag critical events for later examination. The second phase of data collection was collected between 2010 – 2013 in which previous interview data was put through different “lenses” of analysis. The data was re-examined using new types of research questions, which were explanatory as opposed to exploratory. Particular attention was placed on the critical events flagged in the first set of interviews although new primary data revealed other important events. A few follow-up and additional interviews were conducted with high-ranking government officials and new primary data collection focused on the domestic context.

Overall, there was a fair degree of continuity between the first set of data in Chapter 3 which focused on the international forces on domestic policymaking. Whereas, Chapter 4 and Chapter 5 represent new analytical questions and analysis applied to earlier data, extended with data collected after 2010. Although the delay is unusual, it did allow for greater time for reflection of the findings, and good research protocol ensured transcripts and notes were coded and saved. Below is an outline for each data source.

### **2.2.1 Primary Literature**

Primary documents were collected to first build a picture of past UNFCCC negotiations, beginning with the first Conference of the Parties in 1995 (i.e. Berlin Mandate), and

tracking the subsequent evolution of climate change policy and policymaking within Canada. In addition to developing a timeline of events, primary sources revealed changes in the Government of Canada's participation in the Kyoto Protocol negotiations, mandate, and evolving policy position. Primary sources provided valuable information regarding the position of the provinces and territories, quotes from key public figures, the position and external lobbying efforts of non-state interest groups, and public opinion. These sources included:

- UNFCCC conference documents
- Earth News Bulletins<sup>10</sup>
- Assessment reports from the International Panel on Climate Change (IPCC) including unreleased drafts<sup>11</sup>
- Minutes from Parliamentary debates
- Federal government reports and inventories including those of Natural Resources Canada, Environment Canada, Climate Change Secretariat, Prime Minister's Office, and Justice Canada
- Canadian Environmental Protection Act (CEPA)
- Provincial government reports and joint statements including those from the Canadian Council of Ministers of the Environment (CCME)
- Government Press Releases and Communiqués
- Reports from the National Roundtable for the Environment and the Economy (NRTEE)
- Press releases from stakeholders
- Media sources including quotes from public figures
- Canadian public opinion polls

Data between 1997 and 2010 identified who the key players were throughout this period.

Most importantly the documentary analysis revealed the policy trajectory, emerging issues, and changes in position from both state and non-state actors. Moreover, primary

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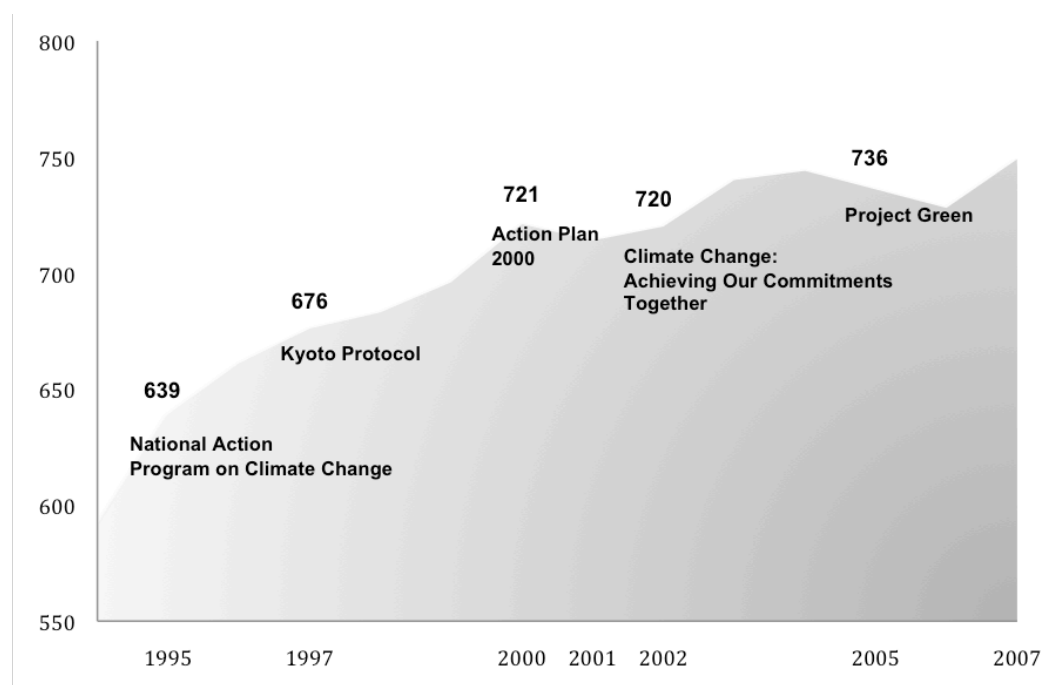
<sup>10</sup> Published by the International Institute for Sustainable Development (IISD), the ENB are daily summaries of the UNFCCC proceedings released each day of the COPs/MOPs. They do not editorialise and are a good resource to see the important events and submissions.

<sup>11</sup> Unreleased drafts were available through my contacts in the field, but these drafts were not cited in the thesis.

documents not only described the chronology of events; they also offered insight into the federal government's rationale linking to theoretical propositions (Yin, 2009, p. 148). For example, the government's official climate change plans and consultation reports collectively trace the evolution of the federal government's approach to Kyoto, moving from research and development to voluntary measures to a cap-and-trade system with the Large Final Emitters Program.

**Figure 3 Timeline of Federal Climate Change Plans Relative to National GHG Emissions (Mt CO<sub>2</sub>e)**

(Source: Environment Canada)



Of course, official government reports do not reveal the policy formation process (or the pros and cons of different policy instruments). However the language was illuminating for this analysis, especially when patterns emerged or when words or meanings moved from non-state actors to official government reports (for example, “Made in Canada” was adopted by trade associations and then used in government reports). Even small changes in language sometimes represented large policy shifts pointing to a critical event, most notably the switch from absolute to intensity targets.

**Table 2 Timeline of Federal Climate Change Policies**

(Source: Commissioner of the Environment and Sustainable Development)

<b>1997</b>	Canada announces its intention to sign the Kyoto Protocol (formalised in 1998)
<b>1998</b>	First report published, <i>The Kyoto Conference on Climate Change: Let's Get The Ball Rolling</i>
<b>1999</b>	Six greenhouse gases were to be added to the list of toxic substances in Schedule 1 to the Canadian Environmental Protection Act (CEPA). Tabled in 2005 but later withdrawn
<b>2000</b>	The Government of <i>Canada Action Plan 2000</i> committed to reducing GHG emissions by 65 million tonnes per year from 2008 to 2012.
<b>2001</b>	Canada Foundation for Sustainable Development Technology Act: Not-for-profit foundation established to fund green technology
<b>2002</b>	Canada formally ratified the Kyoto Protocol. The federal government released <i>Climate Change—Achieving Our Commitments Together</i> , committed to cut 240 million tonnes of GHG emissions from Canada's projected 2010 level
<b>2003</b>	Additional \$1 billion CAD pledged for climate change programme
<b>2004</b>	One Tonne Challenge announced
<b>2005</b>	<p>The Kyoto Protocol entered into force. The federal government released <i>Project Green—Moving Forward on Climate Change: A Plan for Honouring Our Kyoto Commitment</i>, which committed to reducing GHG emissions by 270 million tonnes per year from 2008 to 2012.</p> <p>Notice of Intent to Regulate Greenhouse Gas Emissions by Large Final Emitters</p> <p>Greenhouse Gas Technology Fund Act</p> <p>Canada Emission Reduction Incentives Agency Act</p>
<b>2006</b>	Clean Air Act. Under the newly elected Conservative government the Large Final Emitters programme was abandoned. Their new Clean Air Act (and budget) made no mention of Kyoto Protocol; only introduced a tax credit for the purchase of monthly transit passes

<b>2007</b>	<p>Environment Canada released the first climate change plan, as required by the <i>Kyoto Protocol Implementation Act</i>, which indicated that Canada's target was to reduce GHG emissions to an average of 6% below its 1990 emission level over the 2008–2012 period. The plan reiterated the government's commitment as indicated in "Turning the Corner" and added a commitment to reduce Canada's total GHG emissions by 60 – 70% by 2050. These targets were repeated in the 2008 and 2009 climate change plans.</p> <p>The <i>Kyoto Protocol Implementation Act</i> is assented to in June, 2007.</p> <p>The plan, <i>Turning the Corner</i> was announced. The government announced Canada was not on track to meet Kyoto and announced a new target to reduce GHG emissions by 20% below Canada's 2006 level by 2020.</p>
<b>2010</b>	Canada committed to reducing GHG emissions by 17% below its 2005 level by 2020 under the new Federal Sustainable Development Strategy.
<b>2010</b>	Canada pledged \$400 million in new and additional climate change financing for 2010-2011
<b>2011</b>	Canada announced its intention to formally withdraw from the Kyoto Protocol. Canada committed to 17% cuts from 2005 levels by 2020 – lower threshold to meet than cutting below 1990 emissions levels

Primary data collection was relatively straightforward as the federal government maintains an open and accessible public record. However, not all government reports were easy to locate as many programmes under the Liberal Party were cancelled when the Conservative government took office in 2006. This provided barriers to track the policy formation process, even with Freedom of Information requests. The greatest challenge occurred when investigating the influence of non-state actors on the policy formation process. Where gaps existed, interviews with government officials provided additional information and context; however, it did mean that triangulation was more difficult to achieve. In such incidences where triangulation was difficult to establish, the data analysis stayed within the confines of the findings.

### 2.2.2 Interviews

As opposed to primary sources, interview data provided context and insider information about the policymaking processes. In fact, research like this could not take place without interviews, which are often the only means to learn about internal decision-making, internal lobbying, and the unreported political battles within and between governments. For instance, although the UNFCCC negotiations are relatively open to observers, crucial events often occurred behind closed doors or as private conversations between decision-makers and negotiators; such moments can only be identified by interviewing those present, for example members of the Canadian delegation team. Interviews also provided the researcher with the opportunity to study policymaking from within, especially semi-structured interviews which allow customisation for each respondent and a means to discuss motivations, rationales, and interpretations in an interpretative format. As explained by Keith Hoggart et al., in-depth interviews are ‘appropriate for exploring rationalities, implications and meanings’ (2002, p. 204). Although the researcher leads the discussion, there must be adequate ‘freedom for the respondents (...) to bring in all sorts of tangential matters which, for them, have a bearing on the main subject matter’ (Hakim, 1987, p. 27). Questionnaires or structured interviews may provide larger sample sizes in some instances and additional points of direct comparison between respondents; however, the purpose of the interviews was not to survey the widest range of state and non-state actors, but to identify and prioritise the views of principal decision-makers within the federal government, those working most closely with these individuals, as well as intellectual entrepreneurs outside government. Semi-structured, in-depth interviews allowed me to gather insider information and learn about the *personal* views of those most closely connected to Canada’s Kyoto mandate, including close attention to their language and how they framed key issues (conversational analysis).

I leveraged my professional background and network within the climate change community to gain greater access than typically enjoyed by a postgraduate student. Both my primary source data collection and first-hand experience at the UNFCCC negotiations allowed me to identify the key state and non-state actors. This was further helped by the fact that Canadian Ministers and bureaucrats embrace a culture of openness to both journalists and researchers alike. Their contact details were also readily available, either printed in booklets by the UNFCCC or available on government websites. Overall, my response rate for the interviews was over 85% and no respondent refused to discuss a topic or answer a specific question. On a few occasions sample questions were requested in advance but most respondents were happy with a general summary of the research project. Instead, the obstacles were those experienced by all interviewers: those of confidentiality, candour and an openness to discuss policymaking in an iterative, exploratory manner.

Interviews were held in-person or over the telephone, with the exception of one interview via email (80% were held in-person). In total, there were 46 semi-structured interviews as listed in the table below. This list does not include anonymous interviews or informal discussions at the UNFCCC negotiations, side-events, and workshops. Respondents were recruited using purposive, intensity sampling where state and non-state actors with the most experience were targeted: including major stakeholders, Canadian negotiators, officials from the International Panel on Climate Change, World Trade Organization, and World Meteorological Organization; and of course, government officials and decision-makers (including three former Ministers of Environment from both sides of the aisle). Some of the climate scientists and observers were also official members of past Canadian COP delegations and provided valuable insider information. Stratification was achieved with individuals working at different levels of government; as well as snowballing where new respondents were identified from earlier interviews.



Overall a wide-range of state and non-state actors were interviewed; as well as noted Canadian academics and observers who were identified as particularly knowledgeable in the Canadian climate change policy process or former members of Canadian delegation teams.

**Table 3 Interview List**

<b><i>Intergovernmental Organisations</i></b>
Dr. Rajendra Pachauri. Chairman, International Panel on Climate Change (IPCC). In-person. November 11, 2006 (COP12/MOP2). In-person
Dr. John Stone. Vice-Chair, Working Group II, International Panel on Climate Change & Professor, Carleton University. February 22, 2006. In-person.
Dr. Buruhani Nyenzi. Director, UN World Climate Programme (WCP) at the World Meteorological Organization. February 1, 2006. In-person.
Ms. Marie Isabelle Pellan. Legal Affairs Officer, Trade and Environment Division, World Trade Organization. February 2, 2006. In-person.
Mr. John Harding. Programme Officer, United Nations Office for Disaster Risk Reduction (UNISDR). February 2, 2006. In-person.
Mrs. Silvia Llosa. Programme Officer, UN International Strategy for Disaster Reduction. February 1, 2006. In-person.
<b><i>High-Ranking Government Officials</i></b>
Hon. Peter Kent. Minister of Environment, Conservative MP. January 5, 2012. In-person.
Hon. Stéphane Dion. Minister of Environment, Former Leader of Liberal Party, Former Chair of Montreal COP, Liberal MP. February 14, 2012 (with follow-up correspondence). Telephone.

Hon. David Anderson. Minister of Environment. July 15, 2003 (with follow-up correspondence). Telephone.
Canadian government official, anonymous. August 20, 2012. In-person.
US government official, anonymous. On-going communication throughout 2010-11. In-person.
<b><i>Foreign Affairs Canada</i></b>
Mr. Richard Ballhorn. Director General, Foreign Affairs Canada. February 22, 2006. In-person.
Mr. Doug Forsythe. Deputy Director, Climate Change Division, Foreign Affairs Canada. February 28, 2006. In-person.
Ms. Jeanne-Marie Huddlestone. Economic and Policy Analyst, Foreign Affairs Canada. February 24, 2006. In-person.
<b><i>National Roundtable for the Environment and the Economy</i></b>
Mr. Glen Murray. Chair, National Roundtable for Environment and the Economy (NRTEE). March 3, 2006. In-person.
<b><i>Climate Change Secretariat</i></b>
Mr. David Oulton. Head, Federal Climate Change Secretariat. July 31, 2003. Telephone.
<b><i>Environment Canada</i></b>
Dr. John Stone. Science Advisor, Environment Canada. July 14, 2003 (with follow-up correspondence). Telephone.
Mr. Henry Hengeveld. Science Advisor and Senior Advisor on Climate Change, Environment Canada. 2006. Email.
Ms. Norine Smith. Assistant Deputy Minister, Global Climate Affairs, Environment Canada. February 2006. In-person.

<b><i>Natural Resources Canada</i></b>
Mr. Alrick Huebener. Director, Climate Change Impacts and Adaptation Directorate, NRCan. February 28, 2006. In-person.
Ms. Margaret Martin. Senior Director, Energy Policy Branch, NRCan. February 28, 2006. In-person.
Ms. Kristi Varangu. Senior Advisor, NRCan & International Energy Agency. February 2006. In-person.
Dr. Don Lemmen. Research Manager, NRCan. March 28, 2006. In-person.
<b><i>Agriculture and Agri-Food Canada</i></b>
Dr. Marie Boehm. Research Scientist, Agriculture and Agri-Food Canada. February 24, 2006. In-person.
Dr. Wayne Lindwall. Director General, Environmental Health, Agriculture and Agri-Food Canada. February 24, 2006. In-person.
<b><i>Nongovernment Organisations</i></b>
Ms. Mary Jane Middelkoop. Senior Policy Analyst, Environment Policy, Federation of Canadian Municipalities (FCM). February 21, 2006. In-person.
Dr. John Bennett. Executive Director, Climate Change Action Network & Director, Sierra Club Canada. July 10, 2003 (with follow-up correspondence). Telephone.
Mr. John Drexage. Director, Climate Change and Energy, International Institute for Sustainable Development. December, 2004 (multiple discussions). In-person.
Mr. Ken Ogilvie. Executive Director, Pollution Probe. July 17, 2003. Telephone.
Dr. Matthew Bramley. Director, Pembina Institute. July 15, 2003. Telephone.
<b><i>Climate Scientists and Observers</i></b>
Dr. Gordon McBean. Research Chair, Institute for Catastrophic Loss Reduction, University of Western Ontario. July 8, 2003. In-person.

Dr. Barry Smit. Professor, University of Guelph. July 20, 2003 (with follow-up correspondence). In-person.
Dr. Rodney White. Director, Institute of Environmental Studies. July 4, 2003. In-person.
Dr. Steven Bernstein. Professor, Department of Political Science, University of Toronto. July 26, 2003. In-person.
Dr. Ian Burton. Professor, The Munich Climate Insurance Initiative, University of Toronto. July 23, 2003. In-person.
Dr. Robert Munn. Professor, University of Toronto. July 24, 2003. In-person.
Former government official, now academic. Anonymous. February 24, 2012. In person.
<b><i>Trade Unions and Industry</i></b>
Mr. Michael Murphy. Senior Vice President – Policy, Canadian Chamber of Commerce. February 23, 2012. In-person.
Mr. Brian Kohler. National Representative, Health Safety & Environment, Communications, Energy and Paperworkers Union of Canada (CEP). February 22, 2006. In-person.
Mr. Vince Catalli. Director, Cement Association of Canada. February 22, 2006. In-person.
Mr. Michael Cloghesy. President, Centre patronal de l'environnement du Québec (cpeq). February 3, 2006. Telephone.
Mr. Tom Rosser. Director, Forest Products Association of Canada (FPAC). December 5, 2005. In-person.
Mr. John Dillon. Vice President – Regulatory Affairs, Canadian Chamber of Commerce. February 24, 2006. In-person.
Mr. Claude Andre Lachance. Vice President – Public Affairs, Dow Chemical Canada Inc. February 3, 2006. Telephone.

Mr. Christian L. Van Houtte. President, Association de l'Aluminium du Canada. February 21, 2006. Telephone.
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Most interviews were recorded on a small tape recorder with additional notes made during the interview. I should also add that the tape recorder was quickly withdrawn if the respondent showed any unease or objection. However, the vast majority of respondents were used to recorded interviews and appeared to forget it was there within a few minutes. Most importantly, informed consent was maintained during the interview process. Respondents were supplied with a general summary of the research project in the interview request, which could take place either on or off-the-record. Confidentiality was also discussed before each interview and whether respondents wanted to be cited by name, quoted anonymously, or not at all. This was important for mid-level bureaucrats for fear of reprisal but proved less of a concern for senior officials and Ministers. Respondents were also free to switch between on and off-record during the interview which they sometimes took advantage of to make personal or colourful comments. Overall, the respondents were senior level individuals well-versed in the interview process, so informed consent and confidentiality was relatively straightforward. The vital issue was maintaining confidentiality for those who did not wish to be cited. Although it makes the researcher's task more difficult, research of this kind could not take place unless respect and confidentiality are strictly maintained.

The interviews were semi-structured, and on average, one hour in length. Each interview required detailed preparation to customise questions to the experience and background of each respondent. For example, by reviewing respondents' publicly stated positions and speeches. It was also vital that "leading questions" were avoided including language that appeared to pre-empt the answers. For example, note the difference between:

*Why do you think the Kyoto Protocol proved divisive?*

versus

*Why do you think the Kyoto Protocol proved challenging?*

As explained by Ted Palys (1997), two apparently similar questions will solicit different responses based on word choice and their imbedded assumptions. It was important that the interviews followed a grounded theory approach, with open-ended questions that avoided prejudiced words as much as possible. I had a firm understanding of the jargon and controversial topics going into the interviews, and thus could craft content-appropriate questions tailored to the expertise and background of the respondent; while also minimising biased lines of questioning.

In the end, the ordering of the questions was sometimes more challenging than the questions themselves. Interviews with government respondents tended to follow the policy cycle (agenda-setting, policy formation, decision-making, implementation, and evaluation) and non-state actors according to their personal experience with the climate change file. As the interviews progressed, they followed the issues raised by the respondents with key topics and events introduced at appropriate junctions. After roughly 45 minutes, when a picture developed of the respondent's views and opinions, I sometimes posed more contentious questions to see how respondents either rejected or assimilated alternate interpretations. Special attention was also paid to the words and expressions used by the respondents in addition to their opinions and how they perceived events as a whole. It was particularly interesting to see the pattern of language employed by different types of respondents (those in different government departments or organised stakeholder groups), which supports social learning and the notion of epistemic communities. I should also mention that there was a fair degree of candour, and even humour, during the interviews. I personally never felt intimidated by senior-level

respondents owing to my professional experience and was able to demonstrate a fair amount of insider knowledge of climate change policymaking leading to fluid and iterative conversations.

Afterwards, all recorded interviews were transcribed. For those that were not recorded, I taped my own thoughts within an hour of the interview and also typed up my personal notes. Occasionally there were follow-up interviews and questions via email; transcripts and notes were then coded for later analysis.

### **2.2.3 Direct Observation**

Another source of valuable data came from attending the UNFCCC negotiation proceedings themselves (See list below). I was able to attend as an observer with the International Institute for Environment and Development (IIED). I listened to the open sessions and watched the presentations, remarks, and interventions made by countries. I also had full access to attend the closed nongovernment sessions of the Climate Action Network representing environment and development not-for-profit organisations.

**Table 4 List of Attended UNFCCC Negotiations**

UNFCCC 9th Conference of the Parties in Milan, Italy. December 1 to 12, 2003.
UNFCCC 10th Conference of the Parties in Buenos Aires, Argentina. December 6 to 17, 2004.
UNFCCC 11th Conference of the Parties and 1st Meeting of the Parties in Montreal, Canada. November 28 to December 9, 2005.
UNFCCC 12th Conference of the Parties and 2nd Meeting of the Parties in Nairobi, Kenya. November 6 to 17, 2006

In addition, there were useful side-events and workshops. For example, I worked as a reporter with the Earth News Bulletin (sponsored by the UNFCCC and the Canadian non-profit organisation, the International Institute for Sustainable Development). I reported and wrote summaries of key side-events, which also allowed me to discuss the proceedings with more experienced reporters. Furthermore, I helped organise the IIED's *Development and Adaptation Days* prior to the UNFCCC negotiations which trained junior negotiators from least developed countries. Although not designed for Canadian negotiators, this exposure gave me a greater understanding of the UNFCCC process and the expectations placed on delegation teams. I also assisted with trust and capacity-building workshops between negotiations blocks, which revealed the strong personal relationships between negotiators, the importance of pre-COP meetings to "float" ideas, and the shifting alliances between countries. Overall, the attendance at these various events provided background data to "peek behind the curtain". Such observation also highlighted gaps in the primary sources, especially government reports where only a highly sanitised version of policymaking is presented; as well as the significant amount of time and effort placed on the definitions of words, which was important when viewed in conjunction with the language employed in government reports and communiqués.

Strict confidentiality was maintained for all direct observation and informal discussions. I wore name badges stating my affiliation to King's College London and prefaced my conversations stating I was doing research as a PhD student; as well as attending on behalf of a nongovernment organisation. Ethical concerns for privacy and informed consent meant no names were mentioned and no one was quoted anonymously or otherwise unless with a follow-up "formal" interview where the proper protocol could be ensured. On the whole, direct observation was a valuable source of data collection in the early stages including data on the UNFCCC proceedings, negotiation mandates, the



interaction between state and non-state actors including the spread of ideas, and an opportunity to identify key individuals to approach for formal or informal interviews.

#### **2.2.4 Analysis of Data**

As explained earlier, data collection was informed by a version of grounded theory (also known as the method of constant comparison). Grounded theory can be described as ‘complex, methodical and creative, rigorous and laissez-faire process in which the researcher engages to generate theory from the data [and then] inspects the data for properties of categories, uses memos to track the analysis, and develops theoretical ideas’ (Walker and Florence Myrick, 2006, p. 548). In keeping with the flexible approach advocated by Strauss and Corbin (1990), the variation of grounded theory I employed was that the data was then subjected to different theoretical propositions framed through three over-arching “lenses” of analysis (See Chapter 1 Section 1.3). Coding refers to the ‘analytic process through which concepts are identified and their properties and dimensions [then] discovered in the data’ (Strauss and Corbin, 1990, p. 101). Memos were also important to signpost changes and refinements in the analysis, especially as new issues emerged. The data analysis included an examination of the words and language (and the meanings these imply) in all sources as well as identifying critical events in the policymaking process (See Miles and Huberman, 1994). These critical events roughly followed the policy cycle of the federal government and were characterised by issue-framing, changes in policy, periods when the federal government’s authority was challenged, or even critical moments between individuals. Overall, a more iterative and flexible grounded theory approach was used; one that examined both micro-data in language and small events, but also balanced with macro patterns and structures (See Layder, 1993).

A critical realist approach guided the process of analysis and interpretation. Critical realism can offer a ‘dialectical’ model for integrating different research paradigms. As Joseph Maxwell advised, the ‘realist understanding of causality [...] values the multiple insights that different paradigms and “mental models” bring to the discussion and the generative potential of an engagement with these different viewpoints’ (2008, p. 167). It does not stop at studying events, exemplified by the positivist research approach (Hume, 1896; Hempel and Oppenheim, 1948), but examines the social structures and the construction of meaning. In this thesis, I used theories from different positivist and realist research paradigms. These theories also prioritise different sets of data, with theory and data paired in an iterative process of collection and analysis. Triangulation was also sought by comparing different data sources and explanations, especially comparing interview data between different sets of respondents and identifying patterns or points of conjecture. When possible, critical events identified in the interviews were also validated through media sources or secondary literature. This was particularly important for more contentious issues in the theory and case study. Finally, the analysis and write up involved going through the data multiple times, building a deep familiarity with the subject. Unfortunately, there was a delay between some data collection and analysis; however, this consequently allowed for greater time for reflection, benefitting the final product. Overall, a ‘gradual building of an explanation’ was established which supported or undermined theoretical explanations (Yin, 2009, p. 143-4). In doing so, the analysis followed both abductive and retroductive interpretations of the data which pairs well with grounded theory.

One of the biggest obstacles studying political processes is objectivity and validation (Arksey and Knight, 1999, p. 23). Climate change remains a highly controversial topic; as such, the objectivity and openness of the data (whether they be secondary literature, government reports, media sources, or interviews) was always under

scrutiny. In fact, instead of being an obstacle, the bias embedded within government reports, media, and interviews was instructive in the analysis as it underscored the policy motivations of various actors. That said, validation was still required to prevent the analysis from moving off-track. Source and methodological triangulation was sought to provide greater confidence in the results.

Finally, the issue of researcher bias also requires discussion. This is true for those with or without prior knowledge and experience with the subject matter (“theoretical sensitivity”). As discussed above, we are all products of our cultural and historic context, and lean towards certain theoretical propositions. Even quantitative research methodologies cannot safeguard against researcher bias; however, it can become especially pronounced with highly interpretive, qualitative research such as this. For this thesis I was always mindful of my personal and academic background, especially when approaching the interview data collection. I identified those theoretical propositions which I was predisposed towards and attempted to disprove, rather than confirm. I was also often surprised by the data findings, which reaffirmed that I was allowing the data to speak for themselves. However, overall, when it comes to research bias, one can only hope to minimise not completely eliminate.

## **Chapter 3 The Role of International Norms & Multilateralism**

### **3.1 Introduction**

In December of 1997, the Kyoto International Conference Hall played host to the third Conference of the Parties to the UNFCCC. One thousand five hundred delegates from 161 countries and many thousand more supporting staff, media, and non-government groups descended on the centre. The Canadian delegation was 63 strong. It included the Deputy Prime Minister Hon. Herb Gray; ‘a strong signal’<sup>12</sup> of the importance Canada placed on the outcome. Amongst the meetings, speeches, and press junkets, one delegate recounted an important encounter at the negotiations (anonymous Personal Interview). It is well-known that most decisions at these negotiations are made not in the plenary or official meetings, but in the cafés outside. In one such café, a Canadian and an American delegate found themselves sneaking a cigarette and chatting. The Kyoto negotiations were quickly coming to a close and both countries needed to declare their commitments before the final bell. Up until that point, Canada sought stabilisation of greenhouse gas emissions to 1990 levels, abruptly changing their target to -3% when other countries announced larger commitments. Prime Minister Chrétien had given a strict mandate to keep in line with the Americans; specifically to be within 1% (Bramley Personal Interview; Supported by Simpson et al., 2001, p. 33). Most importantly, the Chrétien government wished for Canada to be viewed internationally as fully engaged and fully cooperative in the climate change negotiations. As this chapter will explore, ‘it was the right thing to do’ (anonymous UNFCCC delegate Personal Interview; Minister of Environment, Hon. David Anderson Personal Interview). The Canadian delegate asked the American what their commitment would be; and he replied that they were waiting for Japan to reveal their hand. At that moment, the Japanese negotiator approached and was asked his

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<sup>12</sup> Minister of Environment, Hon.. Christine Stewart, recalled how Chrétien ‘wanted regular briefings. I was so pleasantly surprised that our Prime Minister was willing to up the ante each time we talked to him’ (quoted in Harrison, 2007, p. 11).

commitment target. The Japanese delegate said -6% of 1990 levels. So the American said they would pursue -7%; and the Canadian said -6%. They shook hands and continued to enjoy their cigarettes.

Of course, this is just one anecdote; however, the story reveals how Canada's decision to sign Kyoto with a -6% commitment was based more on international norms and reputation than science or economics. All those interviewed, including members of the original COP3 delegation, government officials, and observers cited norms and reputation as guiding Canada's participation in the Kyoto Protocol. In fact, it is rare that all data would converge to a single point but international norms and reputation were consistently cited as the main motivating factor for the federal government and framed their strategy going forward. Those members of Canada's COP3 delegation team recount that it was not a question of *whether* Canada signed the Protocol but with what commitment target.

This chapter will investigate who the key decision-makers were when Canada signed and then ratified the Kyoto Protocol, and how and why norms of environmental stewardship and multilateralism aligned with Canada's existing national interests and concerns over reputation. Indeed, the emerging climate change regime did not appear to be a hard sell for the Canadian public or the federal government; and it allows us to explore international relations theory to unpack whether foreign policy at the time was dictated by strategic, material interests or norms and beliefs. The framework of the analysis adopts an IR approach and treats the state as a unified actor, personified as Chrétien's government. As Raymond Aron described, '[t]he theory of international relations starts from the plurality of autonomous centers[sic] of decision' (1966, p. 16) with international reputation viewed as a means to an end to achieve greater power amongst states. This rational actor model predicts the state to be value-maximising,

although there exists much debate within the field about whether material interests supplant beliefs and norms in influencing state decision-making.

### **3.2 International Norms**

Norms are an intrinsic part of international relations and have evolved alongside diplomacy, governing the expectations of actors from kingdoms, states, and empires. Our modern understanding of norms began at the 1919 Paris Peace Conference, in which liberal and democratic norms, epitomised by Wilsonian Principles, were championed as the cornerstone of international relations. These norms of human rights, sovereignty, and indeed sustainable development appear to be set in stone. Nonetheless, they implicitly mirror the principles and beliefs of the treaty-makers, and so like state leaders themselves, they have changed over time. Moreover, norms also inform international law, as with the Geneva Convention or the Law of the Sea. In the case of the UNFCCC, the negotiations began with a discussion of the principles or norms that all parties were to adhere to before the technical text and obligations were written down. Unlike domestic law, there is no governing body or enforcement agency for international law, although the United Nations has attempted to provide both. The principles enshrined in the UNFCCC attempt to define the terms of understanding to govern future negotiations. As Malanczuk wrote, ‘the capability of international law in governing the relations between states must not be exaggerated...[i]n fact [it] has always been limited, but it is rarely insignificant’ (1997, p. 6). The practical needs of self-interest give weight to a consensus of principles and a necessity to ensure reciprocity in global politics (Malanczuk, 1997, p. 6).

Norms are, of course, a vague and contentious aspect of international relations. Hans Morganthau criticised the utopian principles of Woodrow Wilson and framed norms along utilitarian lines. For realists such as George Kennan and Hans Morganthau, norms

reflect the material and strategic interests of a state, not their ideals. ‘Government is an agent, not a principal’ (Kennan, 1985). Even neorealist scholars such as Kenneth Waltz disregard ideas and political ideology and focus exclusively on discovering structural realities in the global system that encourage or constrain state behaviour. As Bismark famously quoted, ‘politics is the art of the possible’. Moreover, these scholars conceptualise the state as ‘predatory rather than status quo’ (Allison and Zelikow, 1999, p. 32) leading to pessimism about the prospect of international cooperation unless the balance of power necessitates it.<sup>13</sup> However, modern branches of neorealism do tackle the notion of ideas in global politics; and many self-described neorealists do not exclude the possibility that ideas, as well as structural interests, shape norms and state behaviour. Noted scholars such as Hedley Bull and Robert Keohane blur the distinction and develop theoretical approaches that integrate structural and strategic factors with social and political ideas. Robert Jervis goes even further to advocate ‘the irreducible importance of perceptions and misperceptions in international politics’ (Allison and Zelikow, 1999, p. 33). Scholars from different streams of international relations attempt to adjust the notion of ideas to a structuralist theory. These include Hedley Bull and Martin Wright of the English School; Robert Keohane and his theory of Interdependence; Robert Cox and his work on Critical Theory; and Alexander Wendt’s Social Constructivism. This last theory, social constructivism will inform this stage of the analysis; it will also borrow in part from normative theory.<sup>14</sup> For constructivists, international relations and state behaviour are not dictated by structural realities in the system, but rather, the *perception* of that reality by those participating. Wendt’s social constructivism also positions itself as a ‘middle way’ between neorealists (rationalists) and postmodernists (reflectivists) (Kurki,

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<sup>13</sup> International institutionalism adds a further layer to neorealism and, while incomplete (Allison and Zelikow, 1999, p. 34), proposes that international institutions offer greater opportunity for sustained cooperation through the ‘mutuality of interests’, extending the ‘shadow of the future’ for states, and providing a structure for numerous states to negotiate (Axelrod and Keohane, 1985).

<sup>14</sup> Constructivism within IR views state interests as ‘constructed’ through values rather than being self-evident as neorealists. This is different from the way that constructivism has been used by geographers in an anti-essentialist mode to refer to the construction of things or knowledge or both (Demeritt, 2002).

2002, p. 11). Crucially for our analysis, ‘they still take the state as the basic unit [and] emphasise the expression of these constructed identities in state behaviour’ (Allison and Zelikow, 1999, p. 74), which is different than critical theory and epistemic communities. As we shall see, the beliefs and perceptions of Canadian decision-makers, specifically their ideas surrounding sustainable development and multilateralism, were paramount in moulding Canada’s normative approach in the climate change negotiations.

### **3.3 Canadian National Identity**

This *perception* of the system, rather than the system itself, is characteristic of the academic and political debate within Canada and offers a long history of the country’s changing image of itself. It is often said that Canada has a deep-seated identity problem (Hawes, 1994). At best, the country wrestles with normative questions of its foreign policy doctrine and national identity, especially how to differentiate itself from the United States, and prior to that, the United Kingdom. The very fact that Canada’s political elite speak in terms of “distinguishing” the country from other states betrays an uncertainty. At worst, however, the debate is rooted in an insecure nation that does not know itself. As Margaret Atwood put it, ‘Canadians are forever taking the national pulse like doctors at a sickbed: the aim is not to see whether the patient will live well but simply whether he will live at all’ (Lipset, 1990, p. 7-8). A less damning observation by the noted Canadian historian, Arthur Lower, wrote ‘in every generation, Canadians have to rework the miracle of their political existence’ (Lower, 1946, p. 561).

The debate over norms has underscored Canada’s own questions regarding its foreign policy doctrine and national identity, both amongst academics and politicians alike. Are norms formed from Canada’s material position within the constellation of nations, as a major player, middle power, or satellite state (essentially, geopolitics)? Or



are norms formed through the ideology of the political elite and the national identity of its people? Upon entering office, former Prime Minister Pierre Trudeau commissioned the seminal *Foreign Policy for Canadians*, often referred to as the Trudeau Doctrine, which set out to:

‘sensibly reject the popular fallacy that national interests are objective and immutable. Instead the Trudeau doctrine claimed for the government of the day the responsibility to spell out: “foreign policy is the product of the government’s progressive definition ... of national aims and interests”; and is “shaped mainly by the value judgements of the government at any given time” (Lyon, 1970, p. 8-9).

Pierre Trudeau, and similarly, Jean Chrétien, executed foreign policy decisions in the belief that Canada’s national interests are born from norms unique to its people, history, and culture, and not simply the country’s strategic interests. However, many Canadian academics disagreed reflecting the wider divide within international relations theory. This debate forms a cornerstone of academic and political discussion within the country and why neorealism and social constructivism are instructive in this analysis since they capture this debate so succinctly. In particular, the literature concentrates on role-playing at international meetings, though little work has focused on the climate change negotiations or other environmental issues outside the Law of the Sea. Role-playing is featured in Canadian rhetoric (Lyon, 1963) whether it be as a mediator, honest broker, bridge, or puppet. More than rhetoric, however, the language gestures at the underlying perception and normative beliefs of the political elite – beliefs their language rarely reflect.

### **3.3.1 Multilateral Rule of Law**

Canada’s role in international relations is open to interpretation; however what can be agreed is that the country is always eager to play a role, whatever that may be. As the distinguished scholar Peyton Lyon wrote, ‘as a nation with an acute identity problem,

Canadians appear eager to be seen playing a distinctive role on the international stage' (1963, p. 11). This differs dramatically from more isolationist states and introduces the first of two important norms: the multilateral rule of law. It is often said that since climate change is a fundamentally global problem, it necessitates a multilateral political solution. This is certainly the sound bite that Canada, the European Union and others have adopted – but the global community is far from unanimous. Many countries have instead advocated individual state action, sector agreements within distinct industries, or simply more confined regional agreements such as the Asia-Pacific Partnership on Clean Development and Climate.<sup>15</sup> The UNFCCC and Kyoto Protocol represent a multilateral model which spoke at the time to Canada's political elite and explains to a large extent the country's early support of the UNFCCC.

It is widely acknowledged that multilateralism, both the participation and respect for multilateral agreements and institutions, is a feature of Canada's national identity. Lyon continues, '[p]erhaps the most persuasive element in Canada's image as an international actor is its reputation for constructive support for international organisations' (1963, p. 163). In the last quarter of the 20<sup>th</sup> century, Canada emerged as a global citizen, promoted through a lineage of Canadian Prime Ministers including Lester Pearson, Pierre Trudeau, Brian Mulroney, and Jean Chrétien.<sup>16</sup> Of course each generation has sought to develop multilateralism in new ways, from peace and security, economic stability, human rights, to the environment; but the support has remained constant. The names on her dance-card may change but Canada will always join the dance.

Under the United Nations, Canada has made 'sustained contributions that spanned the entire spectrum of the UN's agenda and mandate [and] dealt energetically and

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<sup>15</sup> Interestingly, APP is viewed as a recent rival of the UNFCCC. Keen to participate in regional agreements, Canada is a member of APP as well.

<sup>16</sup> Canada also gives a higher percentage of gross national income as overseas development aid (ODA) than the average for G7 and OECD countries (although the country's position in the rankings fluctuates with administrations and economic circumstances).

creatively with social, economic, educational, and technical issues' (Melakopides, 1998, p. 41). However, Canada's trust in the multilateral rule of law is by no means limited within the scope of the United Nations. Former Prime Minister Lester Pearson increased Canada's involvement in multilateral organisations such as the Food and Agriculture Organization, World Health Organization, and International Monetary Fund; with this list expanding following each succeeding Prime Minister. It has led many to describe the country as the world's first 'international nation' (Ward, 1970): a title that has 'strengthened its sense of purpose, national identity, and resolve to resist total absorption in the American system' (Lyon, 1970, p. 1). This last point was certainly characteristic of Trudeau's brand of nationalism which was 'in its essence a form of internationalism [...] that he conceived of Canada as a mentor state, taking initiatives on behalf of the world's community' (Hawes, 1984, p. 7). For example, Canada takes great pride in its peacekeeping force – started by Pearson under the United Nations Emergency Force who would later win the Nobel peace prize for this effort (Tucker quoted in Buchan, 1975, p. 17). Multilateralism has also been applied to the economic system such as Canada's active involvement in the World Bank, G8, G20, and similar bodies. Perhaps the most important has been NAFTA for which Canada insisted on Mexico's inclusion. However, the best examples of Canadian support for multilateralism resides with the environment, where multilateral agreements and organisations have proved to be the model of choice for the government. Every year significant funds are given to intergovernmental organisations (IGOs) such as the Commonwealth and La Francophonie to fund environmental initiatives along with economic and social programmes. And as we shall see later, the US-Canada Acid Rain Agreement and the International Montreal Protocol on Substances that Deplete the Ozone Layer laid the groundwork when the new threat of global warming emerged in the 1980s.

### 3.3.2 The Environment

Most Canadian children growing up encounter fabled tales of the Arctic explorations that fuel the imagination. These stories embed the vernacular of expeditions, travel writing, poems, and songs about the great Canadian wilderness that build a history for a young nation. The mountains, rivers, and northern lights replace the cathedrals and monuments of the Old World; and come to symbolise the country's fledging identity. 'In the quest for a cohesive identity, Canadian nationalism often gravitates to geography and climate, factors that are brought together in notions of the northern character of Canada as a chief attribute of nationality' (Carl Berger quoted in Abel and Coates, 2001, p. 9-10). As the academic Paul Samson put it, there is 'a national sense of belonging to the land' (2001, p. 199). Indeed with a history created from such diverse groups, ethnicities, and cultures, the land itself was often the unifying feature to all. The great literary theorist, Northrop Frye, once described Sir John Franklin's doomed search of the Northwest Passage as a 'great Canadian theme' (Quoted by Cavell, 2007). And Shelagh Grant writes, 'our northern heritage endures as an amorphous, obscure, yet recurrent theme in Canadian nationalism' (Shelagh Grant quoted in Hulan, 2002. p. 1).<sup>17</sup> The Canadian landscape, and specifically the North, has become a piece of national furniture, set into the country's national identity.

Canada is distinctive relative to countries in Europe and Asia in that the natural environment is seen to provide a history longer and more permanent than the young nation itself. The natural landscape grants a narrative for Canada from the early pioneers and frontier histories, to the Hudson Bay Company, to the leisure and tourism culture of modern day. Interestingly, Prime Minister Chrétien as a young politician was responsible for initiating the extensive Natural Park System in Canada: an initiative which has proved to be a popular and uniting force for an otherwise highly regional and culturally diverse

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<sup>17</sup> Supported by Rudy Weibe who writes the North as 'the true nature of our world and also our graspable identity' (1989, p. 111).

nation (Saul, 1997; Powell, 2005), just as the cross-country rail had been a century before. Canadian currency carries iconography of the great wilderness (Gilbert, 1997) and even the national anthem evokes images of the natural landscape: ‘the true north strong and free’. When the Canadian Broadcast Corporation (CBC) conducted a poll (2007) to determine the seven wonders of Canada, five out of seven were either natural landscapes or vehicles and homes used to explore the wild (the canoe, the igloo, Niagara Falls, The Rockies, The Prairie Skies followed by Pier 21 in Halifax and Old Québec City). Contrast this with a country such as the United Kingdom in which popular polls cite exclusively man-made creations (BBC poll, 2002) or even the United States (NBC poll). Nature as an idea holds greater resonance in Canada as it is fundamentally linked to the country’s national identity; and this in turn, holds a normative value for the public and decision-makers. Nature has become part of Canada’s national identity; and as such, is inherently good and worth maintaining. The Montreal Protocol and the Acid Rain Treaty between Canada and the United States are but two examples from a long list of Canada’s support for environmental protection, even before the UNFCCC and Kyoto Protocol.

Within international relations, environmentalism as a norm has received less attention, most likely because few nations define themselves so directly to their natural environment. The normative value placed upon environmental stewardship and sustainable development generally focuses on the UN system, such as the Millennium Development Goals enshrining sustainable development as a right, but not with specific reference to Canada nor specific debates about forests, fisheries, or climate change. This is because “Nature” only features in Canada’s story along with a small number of other states. To understand its role, one must explore Canadian literature and history in which scholars have long written of the environment forming a central element of the country’s national identity. Nowhere is this witnessed more than in Canadian art and poetry, from Leonard Cohen and Margaret Atwood to the paintings of the ‘Group of Seven’ (Keohane,

1997, p. 111). As Atwood elegantly observed, throughout French and English Canadian literature the central theme is that of Nature and Survival, or *la Survivance*; both intractable to the Canadian experience with the environment helping to define the country's national identity (1972).

### **3.4 Forerunner in the UNFCCC Negotiations**

As early as the Toronto Conference in 1988, it was evident from press statements and secondary literature that the Canadian government was convinced by the science and fully engaged in the emerging climate change regime. The Conference was hosted by Canada with many of its prominent scientists helping to raise early awareness of global warming. Later in 1992 at the Rio Earth Summit, Canada was praised for its participation. Indeed, the Summit was chaired by Canadian Maurice Strong, the first Director of the United Nations Environment Programme, who stated in his closing address: 'the world will never be the same again'. The Earth Summit saw the creation of the UNFCCC; and whether one views Canada's early rhetoric with sincerity or scepticism, the active participation and language demonstrates that, at the very least, it was deemed important to engage the debate and appear motivated in climate change policy. As James Sebenius observed, Canada is 'a country in the rhetorical vanguard of greenhouse concern' (in Mintzer and Leonard, 1994, p. 292); whose intentions however may or may not be as strong.

One of the domestic outcomes of the Earth Summit was The National Round Tables on the Environment and the Economy (NRTEE), initiated by the Conservative government and Prime Minister Mulroney in 1993. NRTEE became the main forum for consultation on climate change within the country (this will be discussed in detail in Chapter 4). The process was influenced by the Brundtland report, which framed ideas of sustainable development for the Canadian government (Bernstein, 2002, p. 214). In the

same year, the Liberal Party, who would later succeed the Progressive Conservatives, advocated strong emission reductions in their Red Book with a 20% decrease of 1988 levels by 2005 (the same goal expressed at the Toronto Conference in 1988). Indeed, as leader of the opposition party, Jean Chrétien followed the Earth Summit and was well-versed in the issues surrounding climate change. As former Minister of Environment under Chrétien, Hon. David Anderson, said, he had a ‘fair knowledge’ of the subject (Personal Interview) and even pushed Prime Minister Mulroney towards stronger action on some of the key treaties (*Toronto Star*, 1992, p. A21).

### **3.4.1 The Good Boy Scout**

Internationally, one of the loudest calls for action came from Canada, specifically Prime Minister Mulroney who wished for Canada to be a forerunner in the fledgling UNFCCC process. In 1989, as the United States was deliberating whether to negotiate a Convention, 22 countries including Canada called for multilateral negotiations (Bodansky, 1994, p. 54). As explained by Thomas Biersteker, ‘[t]he Conservative government of Brian Mulroney [...] was largely receptive. Just as these norms [of sustainable development] fit with broader acceptance of economic liberalism and market forces as the main engine of economic growth at the end of the Cold War’ (quoted in Bernstein, 2002, p. 213). More importantly, environmental stewardship carries great weight in Canada; whose national identity is often defined by the natural landscape. And so, when the first assessment report from the IPCC was published in 1990 multilateral opinion was galvanised and the IPCC Response Strategies Working Group appointed Canada, Malta, and the United Kingdom as coordinators to schedule a multi-disciplinary workshop to ‘agree on the inadequacy of existing legal instruments and on the need for a framework convention on climate change, modelled on the Vienna Convention’ (Bodansky, 1994, p. 54). As one prominent Canadian scientist observed who was instrumental to the early UNFCCC

negotiations, Canada wished to be a ‘good environmental boy scout’ (Personal Interview). And many interviewees used this phrase or variations of it to describe how, ‘it was the right thing to do’. This sentiment continued under Prime Minister Chrétien and the Kyoto Protocol negotiations.

The expression of a ‘good environmental boy scout’ is a revealing one and reintroduces both key norms, though in a less complimentary manner. The phrase invokes a sense of environmental stewardship; as well as a naïve enthusiasm, which is characteristic of Canada’s approach to climate change and other environmental problems. The boy scout analogy also carries moral implications alongside the rule of law and being a good global citizen. As Chapter 5 will touch upon, Canada’s reputation evaporated in subsequent UNFCCC negotiations as the country sought large emission credits for exporting clean energy and failed to introduce robust policy at home to reduce GHG emissions.

### **3.4.2 A Multilateral Approach**

The UNFCCC process was a natural fit with Canada’s long-standing support for multilateralism. The Canadian government often referenced the success of the Montreal Protocol in speeches, and sought a similar multilateral agreement with a “targets and timetable” approach (Personal interview with Montreal Protocol negotiator). Canada also sponsored research and policy work in line with the Montreal model. For example, NRTEE completed a series of technical papers on emissions trading systems, and released *Canada’s Options for a Domestic Greenhouse Gas Emissions Trading Program* (1999). ‘The logic of economic efficiency and win-win solutions typical of liberal environmental thinking continues to prevail in NRTEE’s work’ (Bernstein, 2002, p. 214). The NRTEE process also reinforced parallel international policy from the OECD (1998; Bernstein,



2002, p. 214) and analytical work on emissions trading by the Annex 1 Expert Group of the FCCC. In addition, the former Canadian International Development Agency (CIDA) carried the UNFCCC mandate forward and championed adaptation within its project portfolio until it was folded into the Department of Foreign Affairs in 2013.

An interesting side-note is that leading up to the climate change Convention, Canada sought an even more ambitious model: a general framework agreement based on the United Nations Law of the Sea Convention entitled the Law of the Atmosphere. ‘The rationale for this approach was that it recognised the interdependence of global atmospheric problems’ (Bodansky, 1994, p. 53). In February of 1989, Canada sponsored a meeting in Ottawa of legal and policy experts on the Law of the Atmosphere, to initiate discussions on a comprehensive atmospheric convention. However, at this same meeting Mostafa Tolba, the Executive Director of the UNEP, criticised the model as politically unrealistic, arguing instead for negotiation of a more narrowly focused convention on climate change. As Daniel Bodansky explained that the recommendations and approach of Mostafa Tolba carried more weight,

‘due to his recent success in the Montreal Protocol negotiations, and the Canadian proposal never gained momentum. Although the Ottawa meeting went through the motions of discussing the elements of a framework convention on the atmosphere, attention began to focus on the alternative approach’ (1994, p. 53).

In the end, the UNFCCC maintained many aspects favourable to the federal government; but it is worth reinforcing that Canada was committed to multilateral action with a strong basis in international law.

### **3.5 The Canadian Public**

Before continuing it is important to address public opinion in Canada. Public support was an essential pre-requisite for action and shaped this ‘boy scout’ can-do attitude amongst

both the Progressive Conservative and Liberal parties. Canadian public support on climate change and the Kyoto Protocol was not based on in-depth knowledge of the issue (indeed, in the early days, global warming was often confused with other environmental issues), but rather a more general concern owing to the strong national identity woven with the environment; as well as a general support for the UN approach which translated into automatic support for Kyoto.

Much academic study into risk analysis attempts to unpack the public's understanding and concern for climate change. Within Canada and many other countries, there is a paradox where public opinion polls demonstrate strong support for climate change mitigation (and specifically the UNFCCC) without a deep knowledge of the problem or sense of personal responsibility. In 1997, 70% of Canadians believed climate change was real and a problem (Anderson Personal Interview). That number had risen to roughly 73-80% support at the time of ratification in 2002 (Anderson Personal Interview; Angus Reid National Poll, 8 November, 2002); while at the same time, only 13% of respondents reported that they understood global warming 'very well' and 47% 'fairly well' (Bord, et al., 1998).<sup>18</sup> In fact, '[t]here was confusion between climate change, ozone depletion, and poor air quality, often added to by poorly informed journalists (Hengeveld Personal Interview; supported by Bell, 1994). This lack of understanding was seized upon by anti-Kyoto opposition (See Chapter 5), who organised media campaigns to debunk climate science. However, public views on climate change and mitigation are more complex than a simple correlation between information and concern (Pidgeon and Fischhoff, 2011). While research has shown that low public support for climate policy may arise from misconceptions of the climate system, there are also instances where higher levels of information can lead to less public concern (Kahan et al., 2012). The

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<sup>18</sup> To put this into perspective, a study into public knowledge of global warming in the United States, Canada, Mexico, Russia, Portugal, and Brazil, showed that Canadians the highest public knowledge of the issue at the time.

scholar, Kari Marie Norgaard, expands on the ‘information deficit’ approach (2011) in an ethnographic study of changing Norwegian views on climate change. Although outside the scope of this research, she shows how climate scepticism may not be the main barrier in countries, but rather the complex relationship between trust in science, information, and anxiety towards the future (Norgaard, 2011). For now, the crucial fact was that the public supported action while demonstrating only a superficial understanding of the risks of climate change.

Moreover, multilateral agreements have traditionally held strong support amongst Canadians. One negotiator at the first COP spoke of ‘joining for the sake of joining’, and this was echoed in the media at the time. As explained by P.H. Chapman, former Director of the Political and Strategic Analysis Division in Canada’s Department of Foreign Affairs, Canada is a society ‘in which the vast majority express an interest in international events [...] and expect their government to be actively engaged in finding solutions to international problems’ (quoted in Melakopides, 1998, p. 137). By 2002, the large majority of Canadians believed climate change was already occurring (Anderson Personal Interview), and this broad, though shallow, public support was expressed for the UNFCCC and Kyoto Protocol. According to one poll organised by Ipsos-Reid, CTV, and *The Globe and Mail*, 74% of Canadians supported the Kyoto Protocol (Angus Reid National Poll, 2002). Only 19% of Canadians were opposed (Angus Reid National Poll, 2002). Interestingly, almost as many people, 71%, said that ‘even if there are some problems with the Kyoto Protocol, it should be implemented because it is a good first step’ (Angus Reid National Poll, 2002). Minister of Environment, Hon. David Anderson, remembered the Alberta government and industry ‘paid a lot of money for advertising and managed to drop the figures from 73% support for ratification down to about 43%’. However, these figures did not remain permanently low (See Chapter 5). In another Ipsos-Reid poll released in June of 2002, 72% of Albertans said they supported ratifying

the Kyoto Protocol (Angus Reid National Poll, 2002). Furthermore, 95% of Albertan households said they would be willing to pay something to implement Kyoto (Angus Reid National Poll, 2002). Without this domestic support, it would have required much more political courage from the national government to proceed in the negotiations. As Matthew Bramley, Director of the Pembina Institute and long-standing observer to the UNFCCC negotiations, explained, ‘the federal Liberals’ success lay in their ability to sit right in the middle of the political spectrum: [the reason] why they managed to stay in power for so long. When you want to sit in the middle you have to be very attentive to public opinion’ (Bramley Personal Interview; Supported by Anderson Personal Interview).

### **3.6 The Mandate**

Canada’s early participation in the negotiations of the UNFCCC garnered praise both internationally and domestically; however, this was not to last. As the scholar Steven Bernstein explained from his own research into the attitudes of the time, ‘[s]tarting in 1995, the NGO community had really gone after Canada because it had been at the forefront until Rio and then disappeared’ (Personal Interview). By the first Conference of the Parties (COP1), Canada suffered a high degree of embarrassment amongst the media and environmental nongovernmental organisations (ENGOS). Indeed, it is suggested in an anonymous interview that one of the reasons Canada fought to have the new UNFCCC secretariat housed in Toronto was in an attempt to rectify the negative image both at home and abroad (Personal Interview). In the end, the Secretariat was given to Germany. This negative image haunted the Canadian delegation and brought added pressure when the Kyoto negotiations commenced two years later.

The outcome of COP1 was the Berlin Mandate, which set the task of strengthening the commitments of OECD countries by 1997. Since the 1992 Convention, it had become clear that voluntary initiatives were insufficient and that stronger measures were required; and so COP3 was set as the self-imposed deadline for governments to reach an agreement on what those would be (Baylis and Smith, 2001, p. 305). As Richard Ballhorn, former Head of Canada's Department of Foreign Affairs Environment Division, explained, Canada ratified the UNFCCC soon thereafter, 'but it became clear quite quickly that the Framework Convention was not going to do a whole lot [...] we knew we had to get something more intense' (Personal Interview). Environment Canada and Foreign Affairs Canada worked on the country's international position for COP3. At the G8 Summit in June of that year, it became clear to Prime Minister Chrétien that 'other governments wanted to sign: [there was] a lot of pressure' (Bernstein Personal Interview). A year before, the US Senator Tim Wirth, gave a speech indicating the need for legally binding commitments and targets linked to market mechanisms; in essence, drawing an outline of the American position. It was also reported that both Canada's Ambassador to the United States and Chrétien himself received phone calls from President Clinton 'urging Canada to "push the envelope" in order to help bridge the gap and thus facilitate agreement between the polarised US and EU positions' (Harrison, 2006, p. 10). This filtered into the G8 Summit, at which countries like Germany and the United States put pressure on legally binding commitments and targets. In Canada, 'the bureaucrats were taken by surprise' (Bernstein Personal Interview). Based on the research of Steven Bernstein and personal communications with former members of Canada's delegation, 'the provinces were not on board but the federal government said they were going to anyway because of international pressure and reputation' (Personal Interview). As we will see in Chapter 4, the conflict between the federal and provincial governments would later erupt when the Canadian position changed to a -3% cut and then again to the -6%

reduction agreed in the dying hours of the Kyoto summit. The negotiations from then on became about relative gains and political optics – how Canada appeared in relation to other country commitments – more than domestic scientific and economic analysis.

### **3.6.1 The Target**

In December 1997, the ambitious Kyoto negotiations commenced. The pressure delegates were under at the Conference to produce a meaningful and legally binding agreement cannot be overemphasised. Media attention at the Conference was enormous and delegates were well aware they had just 11 days to broker an international agreement. As Starkey et al., wrote, '[a]lthough the rhetoric ran high at times, the overall tone of these negotiations was collaborative as befits a public-good dilemma such as that posed by global warming' (1999, p. 7). Since 'the Conservative government of Mulroney', international norms embodied in the Convention had permeated the federal bureaucracy (Bernstein Personal Interview), and there was strong support within the Ministries for a successful COP3 negotiation (although the depth of this commitment varied as Chapter 5 Section 5.6 will examine). Following media sources home and abroad, COP3 brought renewed attention from Prime Minister Chrétien with the findings demonstrating his direct involvement in the negotiations. Hon. David Anderson described how the Prime Minister wished Canada to 'play a positive role' in the negotiations (Anderson Personal Interview; Supported by Harrison, 2010). This is confirmed by the scholar, Andrew Cooper, with Chrétien exemplified by his desire to rebuild Canada's reputation as the 'quintessential international citizen' (1997, p. 74). This foreign policy approach builds upon the 'fundamental tenets of Pearsonism' (Cooper, 1997, p. 74), a man Chrétien studied under during his formative years as a rising figure in the Liberal Party. Canada has had a long-term commitment to the UN and multilateralism (Bennett Personal Interview). The EU and United States offered greater reductions, and Chrétien wanted to

demonstrate Canada's equal commitment. In the lead up to COP3, the Prime Minister announced that Ottawa wished to take a position better than that of the Americans (Geddes, 1997, p. 6) – to be 'greener than the Americans' (McBean Personal Interview). However, press reports from the time also recall that US President Clinton phoned Chrétien and urged Canada 'to help bridge the gap' between the US and EU positions (Harrison, 2010, p. 178). In the end, the United States agreed to a target 1% more than Canada, reinforcing the interpretation that Chrétien wished to stay in line with the US position but not necessarily out-do them. As Matthew Bramley explained, '-3% would have just looked too bad [...] it is all about optics [...] arguably -6% was not better than the Americans but it was perhaps close enough to save face' (Personal Interview).<sup>19</sup>

Ultimately, the Kyoto Protocol was similar in objective to earlier climate change agreements but with a mechanism radically different in that it proposed legally binding targets for emission reductions. This is because international environmental agreements are usually voluntary with no mechanism for enforcement; and yet countries under Annex I agreed to compulsory reductions and can be penalised for inaction. It may well be that 'the multilateral negotiation process, emerging global environmental norms, and linkages to broader foreign policy goals and pressures pushed Canada to commit to action well beyond what domestic constraints dictate' (Bernstein, 2002, p. 205). Indeed, the built-in ratchet effect in the Convention meant that the pressure for tighter emissions targets would only increase. During Kyoto, '[s]ome delegations even seemed unsure what their numbers stood for at times' (Starkey et al., 1999, p. 15). This is confirmed by anonymous members of Canada's delegation team who said that Canada had not done the math (Supported by Ballhorn Personal Interview and Bramley Personal Interview), unlike the Australians and even the Americans who were better prepared in their analysis. As

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<sup>19</sup> The US 7% commitment amounted to a 26% reduction from business-as-usual projections for 2010. The EU and central European countries agreed to 8% cut and Japan 7%, or about 15% and 12% respectively from business-as-usual projections. At the time, Canada's -6% target amounted to a 27% reduction in business-as-usual by 2010, although this has now risen to 37-40%.

Gordon McBean, a member of the Canadian delegation at COP3, said, ‘the number was sort of picked out of the sky’ (Personal Interview). It appeared Canada only knew she wanted to be part of the process; there was little study of specific interests and implementation. At this early stage, Canada’s national interests would prove malleable.

### **3.6.2 Sleeping with Elephants**

Prime Minister Pierre Trudeau famously compared Canada’s relationship with America to sleeping with an elephant: no matter how friendly and evenly tempered the beast; one is affected by every twitch and grunt. During good times and bad, the Canadian government has paid close attention to her large neighbour to the south. For climate change policy, the marriage of the two economies brings practical concerns for coordinating environmental regulation between both, as has been seen with ozone depletion and acid rain. Each is the other’s most important trading partner, though the size of their respective economies also means that Canadian exports to the United States are much more important to Canada than the other way around. To support this relationship there are multiple points of contact between the two governments, as well as widespread cross border travel between Canadian and American citizens.<sup>20</sup> About 31 American federal agencies and 21 Canadian counterparts deal directly with one another, as do many more states and provinces (Keohane and Nye, 2011, p. 147). However, this partnership does not guarantee agreement on all aspects of foreign policy. The relationship and ideology of the Prime Minister and President can be a deciding factor.

Brain Mulroney came into power as leader of the Progressive Conservative Party in 1983, holding office for 10 years. Despite economic recession, Canada introduced new

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<sup>20</sup> Each year some 38 million Americans travel to Canada and some 34 million Canadians visit the United States. In the 1970s there were between 20,000 to 30,000 permanent immigrants in each direction, and this has steadily risen with each decade.



environmental policies along with the United States. Prime Minister Mulroney was noted for his close relationship with President Reagan, which allowed both leaders to manage a common North American position on issues of trade, security, and the environment. This continued under Chrétien and Clinton whose similar liberal outlooks and centre-left policies facilitated a common position between the two countries. They also shared common perspectives of the Kyoto Protocol including the “target and timetable” approach and credit trading systems. This is contrasted with when President Bush entered the White House. Prime Minister Chrétien was observed to have an uncomfortable relationship with the new President. Consequently, Canada appeared to realign itself with the European Union on positions such as security and the environment. This would prove a salient point during ratification of the Kyoto Protocol.

### **3.7 Ink to Paper**

Canada ratified the Kyoto Protocol on December 17, 2002 after an unexpected announcement by Prime Minister Chrétien at the World Summit on Sustainable Development. At the time, the decision played out more like a soap opera with no one expecting the announcement from the Prime Minister (Personal Interview with Minister of Environment). There were strong reservations within the Cabinet and a number of Ministries, most notably Natural Resources Canada, and not all were working on the assumption that ratification was inevitable (See Chapter 5 Section 5.6). Many within the government voiced concerns about implementation once the United States withdrew in 2001. ‘Its “firm” commitment to implement the Kyoto Protocol even after the US withdrawal is particularly puzzling from a rationalist perspective, since the Canadian government and powerful domestic economic interests had previously stated that international competitive concerns should prevent Canada from moving forward on

Kyoto without the United States' (Bernstein, 2002, p. 205). However, in terms of reputation, the US withdrawal from Kyoto gave Canada a chance to distinguish herself from America by forging ahead without them. Canada was also negotiating for ambitious credits for the country's forests (carbon sinks), which could have reduced her Kyoto commitment by one-third (Macdonald, 2001). As one commentator said, 'it would have looked really bad if Canada had won these [concessions] and then said 'thank you but we are not going to ratify'' (Bernstein Personal Interview).

As mentioned earlier, Chrétien followed 'the Trudeau tradition who always wanted to have more independent foreign policy' (Bernstein Personal Interview; Supported by other Personal Interviews). This dates back to the late 1960s, where 'the doctrine of quiet diplomacy had come under considerable criticism from nationalistic elements of the Canadian public [followed by an] increasingly nationalistic and assertive Canadian bargaining approach' (Keohane and Nye, 2011, p. 150). Chrétien already demonstrated a desire to strengthen the country's international reputation and the need to distinguish Canada from the United States. Indeed, 'the uncompromising tone of the Bush administration [which] was noted to a large extent in the personal antipathy to environmental concerns' (Harris, 1998, p. 44-45; Paterson and Grubb, 1992, p. 305-6; Schröder, 2001, p. 35) only added to disapproval over Bush's withdrawal and positioned Canada in a more favourable light, especially as Chrétien's announcement came just three months after.

This decision from the top was guaranteed in the House of Commons. At the time, the Prime Minister enjoyed a majority government and, even more so than in the United States, the MPs in the House of Commons voted along party lines.

**Figure 4 After Ratifying the Kyoto Protocol, PM Chrétien Receives Standing Ovation in the House of Commons**

(Source: AFP/Getty Images)



As will be discussed in Chapter 4, the Prime Minister has greater latitude for autonomous action when leading a majority government. Chrétien, in particular, did not bow to his Cabinet and increased his power over his 13 years in office. For example, at the first Cabinet meeting in 1993, Chrétien warned ‘[t]he first person who makes a mistake will be out, [and reminded] there was plenty of talent available on the backbench’ (Quoted by Savoie, 1999, p. 97). This was indicative of Chrétien’s leadership style, and the Cabinet is portrayed at times as nothing more than a focus group for the Prime Minister. This is extended to the executive assistants to each Cabinet member. ‘If a minister is experiencing continuing political difficulties then The Prime Minister’s Office (PMO) will simply select the executive assistant, and for all practical purposes the minister must accept PMO’s candidate for the job’ (Savoie, 1999, p. 250).

After Canada, it was left to only a handful of countries to ratify, namely Russia who carried the deciding vote. One of the curious aspects of the Protocol was that the

agreement would only come into force 90 days after 55 countries representing 55% of global GHG emissions signed and ratified. This high threshold for entry was to ensure the participation of the most important emitters to the Protocol (Schröder, 2001, p. 63) but had the undesirable consequence of giving some OECD countries like Canada and Russia a powerful hand in the negotiations.<sup>21</sup> After the United States pulled out in March of 2001, countries like Russia and Canada were placed in an advantageous position to receive more credits and exemptions in order to ensure their support, although Canada did not receive all the key concessions it pushed for (namely credit for exporting clean energy as will be briefly discussed in Chapter 5).

### **3.8 A Neorealist Challenge**

This brings us to the fundamental question raised by neorealism as to why Canada's Prime Minister would subscribe to multilateralism, the environment, and concerns over international reputation. For example, did reputation carry greater importance since the country was also participating in parallel negotiations within the International Forum on Forests or related to fisheries? Those within the government could not confirm that parallel negotiations filtered into the UNFCCC discussions; indeed, interview data suggested that the climate change units within Natural Resources Canada, Environment Canada, and Foreign Affairs were isolated from other files. So perhaps reputation mattered from a more general, geopolitical perspective. As Steven Bernstein proposed, the poor reputation suffered after COP1 'hurts a country like Canada since it is not a heavy-lifter [and] a medium power like this depends a lot on reputation' (Personal Interview). This section will explore this possible argument – an argument which stems from a neorealist view of the state and their value-maximising behavior in foreign policy.

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<sup>21</sup> For example, it is widely suspected that Russia's ratification of Kyoto was tied to the EU sponsoring its membership to the WTO.

As discussed briefly in Chapter One, the theory that underpins much of international relations is that of realism and its modern reincarnation, neorealism. As explained by Burchill et al., '[r]ealism is widely regarded as the most influential theoretical tradition in International Relations, even by its hardest critics' (2001, p. 70). Neorealism was born from a particular age in international politics (namely the late Cold War) and, in turn, has come to influence its peers and permeate the academic and policy communities. In many respects, neorealism represents the dominant understanding or worldview of global politics at this moment in time. The language alone has been widely assimilated by Canadian policy-makers and academics.

In domestic society, state government and institutions decide the rule of law; in the international society there is no such rule, only norms of behaviour which may or may not be broken. As the scholar, J.G. Ruggie, remarked, '[t]he international system is not an entity capable of acting in its own behalf, for the greater social good' (1986, p. 139). This was evident in the 1950s, when growing fears of nuclear war caused many to advocate for world disarmament; and yet, state interest prevented any such self-sacrificing behaviour. As Kenneth Waltz stated, '[w]ith each country constrained to take care of itself, no one can take care of the system' (1979, p. 109). As such, neorealism is pessimistic for long-lasting international cooperation. 'It puts forward a general hypothesis that any cooperation is short-lived, and will in general reflect the preferences of dominant states within the system' (Patterson, 1996, p. 93-4). Consequently, theories such as Balance of Power and Hegemonic Stability Theory lay out the possible structural conditions that allow for periods of cooperation; for example, the existence of a single hegemonic power that can enforce compliance and peace. International institutions, ideas, and noble goals cannot change structural realities that hinder cooperation between states. Neorealism even doubts whether 'the growing recognition of universal values such as humanitarianism, which occasionally overrides the sanctity of national sovereignty, has apparent

transformative potential for the system' (Burchill et al., 2001, p. 93). In the case of the UNFCCC and Kyoto Protocol, the current structure of the international system will dictate state interests and, subsequently, state behaviour in the negotiation process. '[S]mall countries will behave differently than large ones, and in a balance of power system, alliances can be expected to shift in response' (Keohane, 1986, p. 165). Ultimately, neorealism looks for changes in global politics to open up new possibilities for multilateral agreements such as Kyoto.

In the Canadian context, there is a wealth of literature that outlines the case for a mid-size power supporting multilateral action over bilateral action to bring greater influence internationally, and in the process why a positive reputation is essential. For example, under Pearsonism, international reputation was read to carry 'symbolic prestige and material incentives' such as institutional special privileges (Cooper, 1997, p. 285). The more cynical observers during the Kyoto Protocol negotiations believed that the objective of Kyoto 'seemed to be how to please the "green" constituencies at home while keeping one's national business and industry interests out of regulation's way' (Starkey et al., 1999, p. 10). Such neorealists argue that Prime Ministers Mulroney and Chrétien did not enter into the UNFCCC and Kyoto negotiations, respectively, because of abstract ambitions of environmentalism and norms of cooperation, but solely to appear green and boost Canada's environmental credentials. Even if reputation can be framed along material and structural lines, the role of ideas and norms cannot be reconciled with neorealism. Neorealists such as Kenneth Waltz disregard ideas, norms, and political ideology and instead focus exclusively on discovering structural realities in the global system that encourage or constrain state behaviour. As the old saying goes, 'politics is about the possible'.

The problem, of course, is that this traditional perspective within international relations does not correspond to findings for this research, especially the interview data.

Even in those interviews where the government officials were free to discuss off-record, none cited materialist and structural advantages; in fact, the Kyoto Protocol would prove to be a divisive political issue between Ottawa and the provinces and a significant burden for the federal government to carry on its own (See Chapter 4). The neorealist commentary only came from two academics, out of 46 official interviewees and many more unofficial interviewees from the UNFCCC Conference of the Parties (COPs). The motivations cited and the language used overwhelmingly indicate international norms (the notion of “right” and “wrong”) dictating Canada’s participation. Moreover, Canadian climate scientists and key intellectual entrepreneurs helped set the international climate change agenda; and Canada even advocated a more ambitious model based on the United Nations Law of the Sea Convention entitled the Law of the Atmosphere. Although Canada is a keen ‘joiner’, there is nothing to suggest Ottawa was only participating for self-interest and reputation alone. Even the critical event of Canada’s ratification of the Protocol, which was intertwined with the country’s reputation relative to the United States, cannot alone explain why Canada was a strong advocate for the climate change regime especially during the formative years of the Convention when the United States was itself an eager participant. Matthew Patterson examined the actions of the United States in the UNFCCC negotiations and found that neorealism theory adds value to the analysis of climate change politics by allowing us ‘to focus on the conflictual aspects of the negotiations [and] leads us to think of it in terms of a collective action problem’ (1996, p. 113). Where it falls short is explaining how cooperation for non-security issues, as well as accounting for the perception decision-makers who appear to be motivated by certain beliefs and ideas.

Perhaps most telling is that neorealism itself has broadened its approach to include the possibility that ideas could shape state behaviour in addition to structural interests. Noted scholars such as Hedley Bull and Robert Keohane blur the distinction and develop

theoretical approaches that integrate structural and strategic factors with social and political ideas. Academics from different streams of IR have worked to include the notion of ideas with a structuralist view; including Hedley Bull and Martin Wright of the English School; Robert Keohane and Interdependence; Robert Cox and Critical Theory; and Alexander Wendt and Social Constructivism. The following section will discuss such ideas in the Canadian context.

### **3.9 The Right Thing to Do**

As mentioned above, there are many branches of international relations that incorporate the role of ideas and norms in shaping national interests; most notably that of normative theory and social constructivism. The former ‘attempts to clarify the basic moral issues of international relations’ (Quoted in Jackson and Sørensen, 2003, p. 260). For example, Chris Brown divides the normative controversies of world politics into two rival moral outlooks: cosmopolitanism and communitarianism. Cosmopolitanism focuses on ‘individual human beings and on the whole community of humankind as the basic right- and duty-bearing units of world politics’; and the latter on ‘political communities, particularly sovereign states, as the fundamental normative units of world politics whose rights, duties, and legitimate interests have priority over all normative categories and agencies’ (Jackson and Sørensen, 2003, p. 260). In both, the moral outlook of the political elite, in this case study the Prime Minister and Ministers, affects how Canada’s national interests are framed. And certainly, when comparing the approach of Prime Ministers Mulroney, Chrétien, and most recently Stephen Harper, one sees a change in the moral outlook of the leader both with respect to the environment and multilateralism. In general, normative theories ‘attempt to theorise the normative practices of states and state leaders [emphasising] international ethics at its core concerns the moral choice of states people’



(Jackson and Sørensen, 2003, p. 261). ‘When looking at questions about ethics in foreign policy, you must first look at the practitioners involved’ (Jackson and Sørensen, 2003, p. 261).

Social constructivism does not represent an anti-thesis to neorealism, but rather an attempt to broaden the theory to explore epistemic and ontological questions, and include social norms and ideas into the research programme. This is, at least, the attempt made by Alexander Wendt and other so-called ‘soft’ constructivists. As articulated by Christian Reus-Smit, ‘to the extent that structures can be said to shape the behaviour of social and political actors, be they individuals or states, constructivists hold that normative and ideational structures are just as important as material structures’ (Christian Reus-Smit quoted in Burchill et al., 2001, p. 216). Whereas rationalist theories emphasise material power (neorealism) or economic structures (neomarxism and political economy), constructivists argue that ‘systems of shared ideas, beliefs, and values also have structural characteristics, and that they exert powerful influence on social and political action’ (Christian Reus-Smit quoted in Burchill et al., 2001, p. 216-7). Similar to the English School, constructivism examines institutions and the role of norms and practices in maintaining and transforming the structure of the international system. In such cases, the IPCC and UN Secretariat have a transformative role, helping to shape the accepted parameters of the discussion and the emerging climate change regime. This is especially salient as the Canadian government did not always prepare the necessary scientific and economic analysis going into the negotiations, relying even more on the IPCC and Secretariat to provide the analysis. In doing so, one can see how international norms from the UN and IPCC percolated down to influence Canada’s interests during the agenda-setting stage; and also created the momentum and justification for signing and ratifying the Kyoto Protocol. Unlike neorealism, constructivism explores the *formation* of state interest instead of treating it as a given. And in this sense ideas are just as important as

material or strategic interests to explain how Canada perceives its place in the international system and relationship with other states.

Overall, norms and ideas help shape identities and state interests in three possible ways: imagination, communication, and constraint (Christian Reus-Smit quoted in Burchill et al., 2001, p. 218). First, ideas and norms may help determine what is politically possible or feasible in the eyes of policy-makers and negotiators. Ideas and values also help a country like Canada to define their positions and justify or appeal for support. The communication of certain ideas may also determine which coalitions form during the negotiations in addition to common material interests; this was certainly the case with the early North American alliance as well as the informal alliance between Japan, United States, Canada, Australia and New Zealand (JUSCANZ). The possibility of social learning between states and non-state actors is also an important aspect to the negotiations and the communication of ideas and values may be integral to this process. Lastly, ideas through social learning may actually constrain state interests, especially if they conflict with other ideas.

Taken as a whole, norms have a greater influence in foreign policy when the Prime Minister holds a majority government and strong influence over his or her party. Under a minority government, the ideology of the Prime Minister may be trumped by bargaining within the House of Commons and between the government and external actors in which structural, materialist factors gain prominence. Without a strong figurehead, the debate will inevitably boil down to the lowest common denominator, or at least the most powerful players in the system.

### **3.10 Conclusion**

As Weiss and Jacobson eloquently observed, '[i]nternational treaties resemble living organisms, in that they evolve and develop their own histories' (Weiss, 2000, p. 157). Canada moved from a driver in the UNFCCC negotiations to the backseat years later. That said, norms of sustainable development and multilateral action framed Canada's involvement with Kyoto, especially her initial signing. Prime Ministers Mulroney and Chrétien both proved to be highly supportive of the newly emerging climate change regime and the ideas it stood for (Bennett Personal Interview; Ogilvie Personal Interview). Furthermore, at the time of ratification, Kyoto offered Canada redemption on the international stage and a chance to differentiate herself from the United States. In essence, norms and material interests each aligned to support the foreign policy decision to ratify the Protocol. Overall, there was a high degree of homogeneity throughout Canada's participation in the UNFCCC negotiations between 1988 and 1997, despite Conservative and Liberal parties in power. This demonstrates a close affinity to international norms and the UN process amongst the Canadian political parties. Challenged in 2006 with the emergence of a radically different worldview from Prime Minister Stephen Harper which will be examined in the concluding chapter.

There still remains one limitation of this analysis of international norms: it may explain what brought a country like Canada to the table, but not how she played the game thereafter. International norms and reputation only offer an explanation as to why Prime Ministers Mulroney and Chrétien wished for Canada to participate and sign. The finer points of the text were left to the Ministries and negotiators who played a very different game (as discussed in Chapter 5 Section 5.4). A Prime Minister can concern his or herself with international norms; a diplomat with manoeuvrability. The most significant barrier to the IR perspective is treating the state as a unified actor, and focusing exclusively on the interaction between, not within, states. Interestingly, Waltz's structural neorealism may

offer greater explanatory power for the domestic federal-provincial power struggle over Kyoto implementation more so than Kyoto's negotiations. It is a theory tailored to international actors (i.e. states) but fits nicely with the domestic negotiations since the provinces have significant constitutional power and act more like self-interested governments themselves. The next chapter will discuss the structural realities of the Canadian state and examine whether the federal government could even implement the Kyoto Protocol without the provinces; as well as the two-level game between both tiers of government which would come to dominate the period after 1997.

## **Chapter 4 Structural Constraints on Federal Climate Change Policy**

### **4.1 Introduction**

The third Conference of the Parties (COP3) in 1997 were difficult negotiations for Annex I countries who had to agree to mandatory emission reductions. For Canada, however, tensions rose even earlier. The day before the Conference opened, the Canadian delegation was in turmoil during, what should have been a typical strategy meeting. The federal Ambassador for the Environment, John Fraser, with the short straw in hand, was tasked with announcing to provincial delegates that Canada would not adhere to the agreed upon target of stabilisation, and would instead pursue a stronger position of -3%. This would eventually increase to -6% by the end of COP3, but even -3% was an affront to provincial representatives. Over coffee and apple danishes, the room erupted. Delegates were shocked by this announcement from on high, which went against the federal-provincial agreement forged one month before in Regina.<sup>22</sup> As one observer recounted, ‘the guys got up and stormed out of the meeting [...] if there was not a firmly built roof over that place it would have blown off’ (McBean Personal Interview; Confirmed by Harrison, 2002, p. 10; Macdonald and Smith, 1997). The two delegates were eventually, and delicately, persuaded to return; however, the exchange foreshadowed years of domestic political conflict between Ottawa and the provinces over the Kyoto Protocol.

Even some members of the federal Cabinet were opposed to the increased commitment, but for the Prime Minister, the need to ‘do the right thing’ and the political optics of Canada in relation to other countries remained central. As the last chapter demonstrated, Canada’s national identity encourages support for multilateral

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<sup>22</sup> Pre-Kyoto strategy meeting between the federal government, provinces and territories which agreed upon stabilisation, with the exception of Québec who argued for greater emission reductions.

environmental agreements of this kind, and so it came as little surprise that Chrétien kept in step with other countries, especially her southern neighbour. As COP3 commenced, it quickly became apparent that a stabilisation target was not tenable. The EU introduced a target of -15% and not even the United States was prepared to hold a press conference announcing a measly stabilisation target.<sup>23</sup> As Kyoto garnered increased media attention, key developed countries jostled to formalise new targets, leading Canada to abandon its stabilisation mandate. The provinces were enraged by the change, of course. The federal government had undertaken balanced consultations with the provinces and territories prior to COP3 but then failed to consult again when recalibrating its negotiation position during the Conference. Prime Minister Chrétien may have positioned Canada as a good global citizen in the early climate change negotiations, but his swift decision alienated many provinces; and as we shall see, the resulting antagonism between the federal government and provinces would dominate Canada's attempts at implementation.

Whereas the previous chapter examined whether and how international norms and strategic interests shaped Canada's early entry into the Kyoto Protocol, this chapter focuses on the domestic, structural reality that worked to constrain federal policy options. To understand the politics of climate change in Canada, it is helpful to draw on Robert Putnam's metaphor of two-level diplomacy (1988): namely, states not only negotiate international agreements amongst themselves at the international level but also internally at the national level. States are not monolithic entities (Starkey et al., 1999, p. 4) and negotiation positions often stem from protracted political deliberation within their borders as well as outside. The influence of domestic and international factors are mutually reinforcing, and Putnam argues for general equilibrium theories that consider the interaction of both domestic and international factors (1988). This is an exceedingly

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<sup>23</sup> All Annex I countries aimed to reduce emissions below the 1990 benchmark except Russia which agreed to stabilisation, 8% for Australia and 10% for Iceland. All the interview data and secondary sources indicate, however, that a stabilisation target was considered politically insufficient for Canada.

difficult task, and Putnam himself could not offer a precise theoretical model, merely a helpful heuristic. This is especially salient as ‘the dominant discourse about “global warming” and “global climate change” sometimes leads analysts to think of climate change politics and policymaking predominantly in global terms’ and yet the dynamics and outcomes of climate change politics result from a number of factors cutting across different levels of government (Selin and VanDeveer, 2011, p. 1).<sup>24</sup> As observed by Booth and Smith (1995, p. 141) environmental problems force students of international relations to consider domestic political processes more than is customary for the discipline.

## **4.2 Canada’s Federalist System**

### **4.2.1 The Federalist Model**

From the outset it is important to distinguish between federal countries in structure (*de jure*) and federal countries in practice (*de facto*). Although many countries have shifted significant powers to regional governments, constitutionally the national governments still retain the final deciding vote. For example, in the United Kingdom, the national government can and did suspend the provincial assembly of Northern Ireland. In India, the national government can dissolve state governments under Article 356 of the constitution: a power it has also repeatedly exercised. *De facto* federalism is in fact decentralisation and devolution of powers, which can exist in unitary states. Far fewer countries are structurally federal like Canada, or have the fragmented distribution of population and power across its regions.

Less than 20% of the world’s population lives in a *de jure* federal country (Clark et al., 2009). ‘[A] federal state is one in which sovereignty is constitutionally split

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<sup>24</sup> ‘Comparative federalism has a long tradition in comparative politics, but is a much newer area of inquiry amongst those interested in international environmental politics’ (Quoted in VanDeveer, 2011 p. 2).

between at least two territorial levels so that independent government units at each level have final authority in at least one policy realm' (Clark et al., 2009, p. 605). In Canada, the constitution recognises significant provincial powers that cannot be abolished by the national government. Coupled with this, taxation is highly decentralised, affording the provinces even greater practical control. The municipalities and provinces raise more tax revenue than the federal government: almost 60% of total tax revenue (Le Blanc, 2008; Clark et al., 2009).<sup>25</sup> In terms of environmental policy, the provinces of Canada regulate most resource management, pollution control, and wildlife protection in addition to their control of revenue sources including personal and corporate tax, property and estate tax, natural resource tax, and royalties. Canada, along with the United States, Germany, and Brazil, is truly a federalist country in both legal structure and in practice. As we will see, this structure means that 'Ottawa is inevitably consigned to playing two-level games without adequate authority to impose agreements on the provinces once a position has been reached' (Stoett, 2009, p. 349).

#### **4.2.2 Reservation of Powers**

Unlike her southern neighbour, Canada was not born from war but from compromise. Her founding fathers were not revolutionaries but merchants, traders, and rentiers (Hueglin, 2005). In 1763, New France was handed over to Great Britain in the Treaty of Paris. The Act of Union (1840) married Upper and Lower Canada to create the province of Canada. The British North American Act (1867) officially gave birth to the nation, though the country was still politically and economically tied to the British Crown. The Act joined the province of Canada with New Brunswick and Nova Scotia and also resulted in the creation of Ontario and Québec. Over the next 132 years, provinces and territories were

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<sup>25</sup> In Canada, sub-national governments (the provinces, territories and municipalities) raise the largest share of total government revenues amongst industrialised federal countries, including the United States, Switzerland, Germany and Australia.



added and redrawn from Manitoba and the Northwest Territories (1870), British Columbia (1871), Prince Edward Island (1873), Yukon (1898), Saskatchewan and Alberta (1905), Newfoundland and Labrador (1949), and finally Nunavut (1999). This period also saw incremental and sustained political and economic independence from Great Britain, resulting in a now largely symbolic recognition of the Queen as titular Head of State.

Canada is made up of 10 provinces and three northern territories; the latter having recently gained greater self-governing authority. The provinces derive their powers from the original British North American Act of 1867, which outlines the jurisdiction of the federal and provincial governments. Key powers of the federal government include: federal lands such as national parks; criminal law; military and national defence; navigation and shipping; regulation of trade, commerce, and tariffs; currency and coinage; bankruptcy and insolvency; patents and copyright; the postal service; and the census. Immigration, agriculture, and justice are shared between the federal and provincial governments. Courts have also interpreted the Act to give the federal government control over issues not foreseen in 1867 such as aviation<sup>26</sup> and broadcasting<sup>27</sup>. Since Canada remained a dominion of Great Britain until the Statute of Westminster (1931), the British North American Act does not address foreign policy except to say that the federal government has the authority to implement treaties that are signed by Great Britain (Section 132). Notwithstanding, the Courts recognise that the federal government has sole authority to negotiate and ratify international treaties.

In contrast, the provinces have jurisdiction over public lands and natural resources;<sup>28</sup> regulation of private activities including financial markets; education; health

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<sup>26</sup> Regulation and Control of Aeronautics in Canada (1932) A.C. 54

<sup>27</sup> Regulation and Control of Radio in Canada (1932) A.C. 304

<sup>28</sup> For example, Sections 92 and 92A of the Act, give provinces legislative jurisdiction over energy. Section 109 of the Act and the 1930 Natural Resources Transfer Agreements (NRTA) grant the provinces

care; local government; the incorporation of companies; and the administration of justice. Of course, ‘some powers assigned in 1867 have disappeared as significant issues; [while] others have assumed vastly greater importance’ including those over the environment (Simeon and Papillon, 2006, p. 102). The shared jurisdictions between the federal and provincial governments, as well as the delegated roles given to territories and municipalities, have created a spider’s web of national, provincial, and local policies that are often difficult to disentangle. Most importantly, both the federal and provincial governments have legislative as well as administrative responsibilities that are not seen in many countries, even in other federal countries such as Switzerland or Germany.

Canadian federalism is particularly decentralised and regionally asymmetrical, which gives greater regional autonomy whilst also necessitating greater consultation and coordination. There is also competition amongst the provinces and between the provinces and federal government, especially over the economy and spending. Canadians often complain that policies take an age to be decided through an endless series of federal-provincial meetings and roundtables. However, for the most part, Canada demonstrates a high degree of cooperation between the different structures of government in order to deliver the services expected by the public. Canada is ranked 6<sup>th</sup> in the world on the UNDP Human Development Index (2011) and has a universal health care, education, and welfare system that demands careful harmonisation between the federal and provincial governments. It is this coordination that is the hallmark of Canadian federalism. As former Minister of Environment under Prime Minister Chrétien, Hon. David Anderson, remarked, ‘[w]e run a government which is strongly consultative’ (Personal Interview). This was echoed by John Bennett, Executive Director of the Sierra Club Canada, who went a step further to quip that Canada has ‘more consultation than anywhere else in the world’ (Personal Interview).

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ownership over the extraction and commercialisation of natural resources, except for offshore resources and uranium mining.

On the other hand, when this cooperation fails, especially when regional interests and cultural issues cloud the provincial-federal dialogue, Ottawa can be severely limited in policy options. This was witnessed to dramatic effect with the National Energy Program (NEP) in the early 1980s, which was an energy pricing programme riding on the coattails of the 1970s energy crisis; and again with the defeat of the Meech Lake Accord (1987-1990), which sought to amend and update the Constitution Act of 1987. The NEP, in particular, casts a long shadow over current energy and environmental issues. At the time, Ottawa sought to alleviate the strain of rising oil prices on the manufacturing base of eastern provinces (especially Ontario) while garnering greater control of energy pricing and revenue-sharing in the country. However, for oil producers in Alberta, the NEP amounted to nationalisation and a means of siphoning revenue to Ottawa and the eastern provinces. It led to political turmoil between Prime Minister Trudeau and Albertan Premier Peter Lougheed, as well as the condemnation of the United States. At one point, Peter Lougheed cut oil production in defiance (a scene that one would expect between countries, not within). Two years later the Supreme Court ruled that the federal government did not have the authority to tax the oil and gas resources of a province and the NEP diminished its powers accordingly. It was gradually phased out as the Canadian economy rebounded from the 1980s recession. The NEP came to exemplify the power struggle between the two levels of government; and moreover, the expectation that Premiers will fight against any and all federal encroachment. This was demonstrated with one controversial photograph taken of Prime Minister Trudeau and Premier Lougheed, toasting the success of a revised NEP plan after months of tense negotiation.

**Figure 5 Trudeau and Lougheed Toasting Champagne Glasses at the Signing**

(Source: CBC, 1981)



The photograph was decried by the oil producers of Alberta, with Lougheed later revealing that ‘allowing the picture [to be taken] was one of the biggest mistakes of his political career’ (CBC, n.d.). The domestic negotiations between Ottawa and the provinces can become so contentious that even a photograph showing fraternity between the Prime Minister and Premier can prove damning to their reputation.

#### **4.2.3 Coordination amongst First Ministers**

Canadian regionalism, the distribution of powers, and tarnished episodes like the National Energy Program or Meech Lake Accord raise the stakes for coordination between the two levels of government. Multiple veto points in the federalist system mean that a small number of provinces can hold domestic negotiations hostage for matters of national importance. The power dynamics between Ottawa and the provinces also means that the importance of executive-to-executive negotiation cannot be overstated. This is reinforced

by the fact that the Prime Minister holds significant powers over both Houses of Parliament, with strong party loyalty in the House of Commons and the ability to appoint new Senators.<sup>29</sup> In fact, the Cabinet has steadily increased from 25 in 1993 to the current 38 members. Barring a minority government in Parliament, the Prime Minister sets the political agenda, and this is mimicked at the provincial level where the Premiers are almost always the leader of the governing party as well as the head of the executive branch of the provincial government. Similar to the Prime Minister, Premiers serve as Head of the provincial Legislative Assemblies and appoint their own Cabinets. This arrangement means that power is most successfully played out between the federal and provincial executives: the Prime Minister and Premiers, followed by their first ministers, cabinet members, and other senior officials.

Notwithstanding, intergovernmental consultation and coordination processes are often informal and ad hoc. At the federal level, the Prime Minister is assisted by a Minister of Intergovernmental Affairs and Secretariat within the Privy Council Office, who track and facilitate communication and meetings between jurisdictions. The provinces and territories have their own corresponding counterparts responsible for intergovernmental relations, and policy issues are brought to the table based on their perceived urgency. Arguably the most important issues take place at the First Ministers' Conferences between the federal, provincial, and territorial government Premiers.<sup>30</sup> They are convened via multi-agenda meetings or issue specific, though their frequency fluctuates with the political agenda in Canada. The next level are the Ministerial meetings within Agriculture, Education, Environment, etc., which are often co-chaired by the federal and provincial Ministers. There are, of course, informal, bilateral conversations

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<sup>29</sup> Although there are some common conventions about how the Cabinet is selected, members are chosen to support rather than obstruct the Prime Minister.

<sup>30</sup> The scholar Douglas Macdonald is one of the few who have investigated these First Ministers' Conferences in relation to climate change.

between the Prime Minister, Premiers, and Ministers throughout the year along with innumerable meetings between federal bureaucrats and their counterparts.

#### **4.2.4 Parliament**

The Canadian Parliament is formally divided between the House of Commons and the Senate, whose members are appointed to life terms by Cabinet and which currently comprises 105 members, with each province given a set allocation of seats. The role of the Senate is to revise and correct legislation from the House of Commons, although in practice, the Senate rarely opposes the Commons except when it presents an initiative to which Canadians are largely opposed and for which there is no popular mandate. It has also been known to veto bills passed by the House of Commons when controlled by a party not holding majority in the Commons. The fundamental reason the Senate rarely vetoes is down to the fact that its members are unelected. Only when the Commons acts against popular mandate and on highly controversial issues will the Senate seek to override the democratically elected House. To illustrate, between 2003 and 2009, the Senate recommended amendments to 37 of the 300 bills accounting for 12% of the bills it studied (*The Senate Today*). There have been repeated attempts to reform the Senate including the Charlottetown Accord, which was defeated in the 1992 referendum, and the defeated 2006 amendment to enlarge the Senate with greater representation for the western provinces. As a 2001 Parliamentary Report stated, the Senate is ‘accused of being a rubber stamp when it passes legislation quickly or of overstepping its mandate [when] the power of veto is exercised’ (Parliament of Canada, ‘The Canadian Senate in Focus’. 2001, website). All the national parties supported either reform or abolition of the Senate and renewed calls following the Senate expenses scandal of 2012.

This brings us to the House of Commons, the most powerful legislative branch. The House of Commons has 308 elected members – a number which will rise to 338 MPs after the 2015 election. Each MP represents an electoral district, with elections held every five years or under a vote of no confidence. ‘The logic of parliamentary government, in which the governing party must maintain the confidence of the House, yields strong party discipline. [...] Members of Parliament are not only required to toe the party line, but also shielded, at least to some degree, by a collective “circling of the wagons”’ (Harrison, 2002, p. 6). MPs almost exclusively vote along party lines, so a majority government has, in theory, the muscle to pass legislation with minimal Senate interference. This system has historically contrasted with that of the United States, although the US Congress has increasingly demonstrated strong party discipline in recent years, for better or worse.

#### **4.2.5 The Courts**

The judiciary is the final branch of government, whose highest level is the Supreme Court of Canada. It does not mediate or dictate policy and thus does not feature in this thesis as a significant player in climate policy-making. However, it is important to elaborate on two scenarios: one past and one future. Firstly, the federal government has the power to pledge Canada to an international agreement such as the Kyoto Protocol despite the fact that it can only implement said agreement within its existing powers. As explained before, the environment is regulated by both federal and provincial powers under a system of concurrency, although the international level negotiations are the sole jurisdiction of Ottawa. This is especially salient for a borderless pollutant like greenhouse gases. As with the cases of broadcasting and aviation, GHGs transcend boundaries and so the federal government has the authority to regulate emissions through its legislative powers. Of course, this did not prevent provinces from threatening a legal challenge to Kyoto (See Section 4.5).

Secondly, the Courts cannot compel the federal government to uphold its international commitments. At least there is no precedent yet to do so. In a private suit against the government, *Friends of the Earth v. Canada*, (2008 FC 1183, appeal dismissed 2009 FCA 297), the Supreme Court determined that the federal government was not in breach of its own Kyoto Protocol Implementation Act (KIPA) by failing to reduce GHG emissions, and refused to hear subsequent appeals. The reason for the dismissal came down to the use of the word ‘ensure’ in the Act, which in the Court’s opinion mandated a process of policy development rather than an enforceable commitment to reduce GHG emissions. That said, the Courts have increasingly been used to either push through or block GHG-intensive economic activities. Although the Supreme Court of Canada has precluded itself from such interventions, it will no doubt become more important in the future.<sup>31</sup>

#### **4.3 Canada’s Slow Ratification Process**

After the Kyoto Protocol was signed in 1997, Prime Minister Chrétien and the federal government lost goodwill amongst the provinces who widely condemned the federal ‘stunt’ or ‘betrayal’ of signing up to tougher targets than had been previously agreed with the provinces (Personal Interview with unnamed source from the Canadian COP3 delegation; Stoett, 2009, p. 350; Supported by Simpson et al., 2007; Gordon and Macdonald, 2011; Stilborn, 2003). Canada’s stronger Kyoto commitments bolstered her standing in the international negotiations yet alienated the provinces. It was also a demonstration of the international driving the domestic: international reputation and norms of environmental stewardship trumping domestic concerns from the provinces.

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<sup>31</sup> There are also provincial lawsuits; for example, the climate scientist, Andrew Weaver, sued the climate sceptic, Timothy Ball, for libel in the Supreme Court of British Columbia, 2011. Timothy Ball wrote pieces for the online Canada Free Press website. Andrew Weaver went on to become the deputy leader of the Green Party in BC.



Following Kyoto, the Premiers of Saskatchewan and Manitoba ‘denounced Ottawa’s failure to work co-operatively with the provinces’, while Alberta’s Premier, who would become one of Kyoto’s most vocal opponents, declared the commitment unacceptable (*The Globe and Mail*, December 12, 1997).<sup>32</sup> Even the federal Minister of Natural Resources, Hon. Ralph Goodale, who hosted the pre-Kyoto consultations with the provinces, was reportedly left ‘steaming’ by the change of course and even spoke of resignation, although he never acted upon the threat (Simpson et al., 2007, p. 33). Both the Kyoto commitment itself and the process by which it had been achieved proved to be a persistent source of grievance amongst the provinces, which shaped the next round of domestic consultations and the path towards implementation (Bruce and Russell, 2004, p. 206; Simpson et al., 2008, p. 61).

There was also a deep-seated reason this change in targets damaged relations between Ottawa and the provinces. The devolution of powers in Canada means that the provinces are naturally suspicious of federal authority, especially control over natural resources, which the federal government has tried to regulate through international and interprovincial trade, taxation, and other constitutional powers. Canada’s political history is characterised by this power struggle between the two levels of government; including the territories who are gaining greater autonomy. In particular, the National Energy Program (NEP) of the 1980s was repeatedly referenced in the interviews, unprompted, as a cautionary tale about the problems that ensue when the federal government encroaches on energy resources. The comparisons between climate change mitigation and the NEP did not go unnoticed (Smith, 1998, p. 29), especially for Chrétien who had been Minister of Energy during the NEP’s phase-out in the 1980s. As explained earlier, Ottawa possesses some, though limited, authority to regulate transboundary GHG emissions

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<sup>32</sup> It is important to note that many of the provinces changed their position on Kyoto between COP3 in 1997 and ratification in 2002. For example, Manitoba became an advocate for ratification five years later. However, Alberta was consistently against and became one of Kyoto’s most vocal opponents in the following years.

under the criminal powers and the ‘peace, order and good government’ clause of the 1867 British North America Act (clause 91). However, the legacy of the NEP would have provided a stark warning to the federal government about the political costs of taking a hardline approach with the provinces.<sup>33</sup> This, in turn, raised the stakes for consultation and bargaining between Ottawa and the provinces in the years that followed COP3. It most likely dissuaded the federal government from pursuing a more ambitious policy stance (such as a carbon tax) and put increased importance on Canada’s coordination mechanisms.

The next step for Kyoto was the process of ratification, which could have occurred at any time under Chrétien’s majority<sup>34</sup> government but did not go through until 2002. One cynical view was that climate change lost immediate relevance after Kyoto was signed. As one of the academic scientists on the Canadian COP3 delegation now turned science policy-maker, observed,

‘once we came back from Kyoto it was sort of like we had done this and it was put right back to the back burner. They set up 18 issue tables and if you are a bureaucrat you know that the best way to not do anything was to set a cross-sectional, provincial-federal, business, ENGO group and let them work on it for years’ (Gordon McBean, Personal Interview).

Certainly the file appeared to fall from the Prime Minister’s radar (although it returned to priority status in the lead up to ratification in 2002 when the file moved from Natural Resources Canada to the Prime Minister’s Office and Privy Council, See Chapter 5). The other view was that ratification was delayed in order to shore up support amongst the provinces, to mend the bad will from COP3, and provide time to study and formulate

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<sup>33</sup> Alberta challenged federal authority to regulate emissions generated by the province’s fossil fuel industry. However, this was done so solely within the media. The challenge was never brought to the Courts.

<sup>34</sup> Unlike the United States, Canada’s Parliament was not a barrier to ratification so long as the Liberal Party enjoyed a majority government. As former Cabinet minister, Warren Allmand, confirmed ‘[the] only time [...] Parliament has had an impact on [UNFCCC] policy were periods of minority government or a slim government majority (quoted in Savoie, 1999, p. 93). There were, of course debates with the House of Commons with support from the NDP and objections from the Reform Party. There were also leaked ‘reports of dissent within the Canadian Liberal caucus’, however the majority of the Liberal MPs supported ratification with the remaining expected ‘to toe the party line’ (Harrison, 2006, p. 6).

implementation policies in advance of ratification. As mentioned before, Canada had not undertaken adequate research and analysis on GHG mitigation in advance of COP3. It was even unclear at the time how carbon sources and sinks would be measured for compliance. This leads to a final, third explanation for which ratification was delayed to strengthen Canada's international position. To some extent, Canada was overly confident that her large forests would act as a carbon sink, essentially reducing the country's Kyoto target by one-third or 60 million tonnes of greenhouse gases a year (Macdonald, 2001). Canada also aggressively sought to receive credit for exporting clean energy (namely natural gas and hydropower) under the UNFCCC that would also reduce her commitment by roughly 30%. The proposals did not gain much traction in the international negotiations but Canada did receive some credit for the country's carbon sinks 'open[ing] the way for ratification' as pronounced by Chrétien (quoted in Bjorn et al., 2002).

The Prime Minister was coy about Canada's intentions to ratify right up to his announcement in the summer of 2002. That April he vaguely said he would ratify 'one day' and his Minister of Environment stated, 'Canadian ratification would be a lot easier if we had clean energy credit recognition by the Europeans and the other nations' (*Ottawa Citizen*, 2002). Collectively, all these domestic and international factors slowed the ratification process as Canada studied the policy options at home and pushed for favourable terms in the UNFCCC negotiations. However, they had the unintended consequence of delaying action from the provinces and impacted implementation as much as any concession won in the UNFCCC negotiations.

Whether viewed cynically or pragmatically, the decision to delay ratification for four years slowed implementation and changed the course of the domestic debate following COP3. As the Chairman of the Shell Group of Companies, Sir Mark Stewart, said in a personal discussion,

‘[Canada] did it wrong. [She] should have ratified first and then challenged industry to come up with the cheapest way of doing it. If you challenge them beforehand to find reasons for not doing it then they will be very ingenious in finding reasons not to do it. [...] But if you simply tell them it is a *fait accompli* then they will use all that ingenuity to find ways of avoiding the high cost (recounted by Hon. David Anderson, Personal Interview; Supported by Bennett Personal Interview).

The uncertainty surrounding ratification made the domestic dialogue more difficult as key provinces, industry groups, and companies tried to prevent implementation of any kind (See Chapter 5). The discussion did not focus on how but *whether* Canada should meet her Kyoto commitments. Even members of Chrétien’s own Cabinet were opposed to ratification (Hon. David Anderson, Personal Interview; Bjorn et al., 2002).<sup>35</sup> In fact, Canada’s own Minister of Environment at the time admitted he was uncertain Canada would seek ratification when his Ministry released *Canada’s National Implementation Strategy* in 2000. When ratification was finally announced years later, it came as a shock to his Cabinet (Hon. David Anderson, Personal Interview; Gordon McBean, Personal Interview) – and once again this decision was not made in collaboration with the provinces.

#### **4.4 Canada’s Obstacles to Policy Formation, 1997-2005**

The Kyoto Protocol exposed institutional weakness in Canada’s capacity both to formulate policy options and to coordinate deliberation over their merits between the federal and provincial government. ‘[Ottawa] was not strong enough to induce compliance’ after it charged ahead of consensus in 1997 (Gordon and Macdonald, 2011, p. 15). In addition to exacerbating regional divisions, of which there are many (Section 4.6.1), Ottawa also lacked the capacity to study, consult, and negotiate implementation strategies across all 10 provinces. The section below will examine the lack of capacity by

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<sup>35</sup> For example, the Minister of Industry Canada, Hon. Alan Rock, is credited with having had serious reservations about Kyoto’s ratification (Bjorn et al., 2002, p. 52).

both tiers of government and failed channels of negotiations between Ottawa and the provinces which undermined national policy formation. As explained by Jeffrey Simpson et al., '[b]y unilaterally breaking consensus in choosing its Kyoto commitment, Ottawa had to start over again, selling the reality of global warming, while trying to recreate a consensus amongst the provinces on a new target [...] it never succeeded' (2008, p. 61).

#### **4.4.1 Weak Capacity**

After COP3, Ottawa needed to play catch up with its own climate and economic analysis. Leading up to the Kyoto negotiations, Canada had not undertaken adequate study of climate change mitigation or how it would impact the country (Personal Interviews; Simpson et al, 2007); or indeed, even how to measure the carbon sources and sinks within its borders. As one prominent climate scientist on the Canadian COP3 delegation revealed, Canada is a great 'joiner' and environmental treaties have significant buy-in within the country; however, they did little analysis prior to the negotiations and had no understanding of what emission targets meant in terms of domestic Canadian policy (anonymous Personal Interview; Supported by Simpson et al., 2008, p. 60-1). This was echoed by Richard Ballhorn, former Director General of Foreign Affairs Canada and key member of past UNFCCC Canadian delegations. He observed that climate change is a unique problem from a negotiation standpoint as it was driven by international activity before domestic activity. 'Usually things are driven the other way [and as such] there was no track record of knowing what [Canada] could do' (Personal Interview). In essence, Canada purchased the house before calculating the mortgage.

Likewise, cash was at a premium at that time. One over-arching reason Canada displayed a knowledge gap was the reduced capacity of the federal government as a whole. The Kyoto Protocol was signed during a period when the government was trying

to shrink the size of the state in response to mounting national debt. Chrétien's Liberal Party swept into power in 1993 with 177 seats and quickly sought to reduce Canada's deficit of \$554.2 billion CAD: the highest annual deficit of the G7 countries at the time. Canada's debt-to-GDP ratio was 68.4% and growing. Prime Ministers Jean Chrétien and Paul Martin both embarked on periods of austerity: paying down \$36 billion CAD of the national debt while cutting taxes by \$100 billion CAD between 1995-2000. The 1995 budget cut federal programmes by \$10.4 billion CAD (8.8%). The government further reduced \$4.5 billion CAD over two years in transfer payments to the provinces who were also struggling and seeking to downsize their respective environment programmes. In addition, the federal public service also witnessed 45,000 job cuts between 1995-1998.

**Figure 6 Total Federal and Provincial-Territorial Programme Spending**

(Source: Canadian Department of Finance, website)



Under Chrétien, the federal government went through a period of downsizing not witnessed since the end of World War II. This not only impacted the capacity of key Ministries and provinces, it also goes some way to explaining why research and voluntary policies were pursued over more ambitious carbon pricing policies. As Doern (2004) and

Macdonald (2007) argue, these budget and personnel cuts throughout the 1990s are ‘one of the key factors why voluntary codes and other types of “reinvented regulation” were advocated’ (Doern, 2004, p. 68). Simply put, they cost the state less to implement. The federal government was contracting at the time it sought to meet its Kyoto commitments; commitments that became more expensive to fulfill with each year that passed and carbon pricing programmes becoming increasingly unaffordable. In fact, it was surprising the federal government spent as much as it did (\$3.7 billion CAD) on its climate change programme during this period of downsizing.

The provinces also lacked capacity. Since the 1990s all the provinces had undergone major restructuring. With the federal government cutting its transfer payments, the environment departments of all 10 provinces saw large cuts in their budget and staff. ‘Newfoundland and Québec reduced their environment-department funding by 65% between 1994 and 1998, Ontario by 43% from 1995 to 1998, BC by 35% from 1995 to 2000, and New Brunswick and Alberta by 30% from 1994 to 1998.’ (David R. Boyd Quoted in Macdonald, 2007, p. 137). ‘Many of the jurisdictions did not even have the personnel to attend the [consultation] meetings’ between Ottawa and the provinces (John Bennett Personal Interview). This both hampered consultation with the federal government and limited their ability to produce provincial policy. As an anonymous government source at Environment Canada confirmed, the Ministries simply did not ‘have the resources to devote to the implementation of [Kyoto]’ owing to cutbacks across their department (Personal Interview). By the time of ratification, only two out of 10 provinces, Québec and British Columbia, had produced climate change plans of their own, and the first provincial legislation was not produced until 2003.<sup>36</sup> The impacts of these cutbacks on provincial capacity were confirmed by a study done by the Environmental Commissioner of Ontario, who argued that ‘reduced government

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<sup>36</sup> Alberta’s *Climate Change and Emissions Management Act*, S.A. 2003, c. C-16.7

resources' impeded climate change policy (Quoted in Macdonald, 2007, p. 143). Even provinces that supported Kyoto, such as Québec, were wary of the cost of rolling out a large carbon pricing programme.

Another significant capacity barrier for the federal government was the lack of a central office to formulate and coordinate national climate change policy. Both current and former Ministers of Environment as well as the former Chair of the National Roundtable on the Environment and the Economy cite the compartmentalised nature of the Canadian bureaucracy as one of the greatest obstacles to federal climate change policy formation (See Chapter 5 Section 5.6). As the former Chair of the NRTEE, Glen Murray, explained, one 'cannot look at the issue without coming up with half a dozen Ministries that have to be at the table and that is just not functional' (Personal Interview; supported by federal Minister of Environment, Hon. Peter Kent). At the federal level the climate change file was principally divided between Natural Resources Canada (NRCan) and Environment Canada (EC),<sup>37</sup> whilst a joint federal Climate Change Secretariat was established in 1998 to report to Parliament and coordinate federal-provincial relations. Twelve federal departments including Foreign Affairs, Industry, Justice, and Transport were also involved; as well as bodies such as the Privy Council and Treasury Board Secretariat. Officially the Climate Change Secretariat was designed to 'co-ordinate policy development by means of an interdepartmental committee of assistant deputy ministers drawn from ten or more relevant federal departments [who then] report to an ad hoc committee of deputies from those departments [before] moving up to the elected level' (Bjorn et al., 2002, p. 61). In practice, the Secretariat was 'a facilitator without authority' (Bennett Personal Interview). The process became too fragmented; hampered further by the fact that many of these Ministries disagreed about Canada's involvement with the

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<sup>37</sup> NRCan would 'take the lead in developing and coordinating Canada's domestic implementation strategy' while Environment [Canada] took lead 'on Canada's international agenda' (Bjorn et al., 2001, p. 55). However, in practice, the Minister of EC, Hon. David Anderson, championed domestic ratification, and the roles between both departments became blurred.



Kyoto Protocol and even the country's decision to ratify. This disagreement was well documented in the broadsheets and cast doubt on Chrétien's overall mandate. How could Ottawa hope to introduce robust climate change policies without agreement amongst her Ministries? Other countries such as the United Kingdom and the Netherlands have integrated central agencies. This was probably one of the reasons the climate change file briefly moved from NRCan to the Prime Minister's office and Privy Council office in the lead up to ratification. However, for most of Canada's climate change policy process, the file was divided between Natural Resources Canada, Environment Canada, and Foreign Affairs Canada, with NRTEE and Climate Change Secretariat coordinating domestic consultations and departmental coordination. None had the necessary authority to act alone and each had different, albeit overlapping mandates. Climate change is a complex environmental and economic problem requiring reform across the board from transportation, infrastructure, and energy planning, to forestry, agriculture, and especially spending. Canada's segregated climate change programmes, particularly between NRCan and EC, had disastrous consequences for implementation and was punctuated by bureaucratic fighting, as the next chapter will examine in greater detail (Section 5.6).

#### **4.4.2 Ineffective Consultation between Ottawa and the Provinces**

Upon the return of the Canadian delegation in 1997, the government's first step was to host *The Kyoto Conference on Climate Change: Let's Get the Ball Rolling*. As the name suggests, Ottawa was keen to mobilise action, especially amongst the provinces. It stated '[t]hat the federal government undertake its own actions and encourage its partners to take the necessary measures to stabilise greenhouse gas emissions [...] in accordance with the recent agreement between the federal, provincial and territorial Ministers of Energy and the Environment'. The agreement was the Canada-Wide Accord on Environmental

Harmonization (signed by all except Québec).<sup>38</sup> The pre-existing Canadian Council of Ministers of the Environment (CCME) became the driver of federal-provincial consultation on climate change. The CCME is comprised of the 14 Ministers of Environment who meet annually to discuss and coordinate environmental policy. They designated the National Roundtable on the Environment and the Economy (NRTEE) as the focal point for climate change consultations. Collectively, all of these bodies are designed to foster coordination and harmonisation of public policy between the two levels of government. Below we will examine the effectiveness, or ineffectiveness, of the NRTEE as the main group responsible for consultation and policy formation in Canada's emission reduction targets.

The National Roundtable on the Environment and the Economy is an independent policy analysis group comprised of scientists, environmental groups, labour and industry leaders appointed by the federal government (for more information on the key stakeholder groups, See Chapter 5). Their mandate was to study the impacts of climate change and mitigation options: to find 'sustainable pathways that help preserve our environment while building a strong economy' (NRTEE website) and the body fitted well within the overall consultative approach of the Chrétien government.

The first action for the NRTEE was to understand what Kyoto meant for the Canadian economy and regional interests. There were, of course, other bodies such as the National Air Issues Steering Committee (NAISC) and the National Air Issues Coordinating Committee (NAICC); as well as the Annual Premiers Conference, First Ministers Conference, and most recently, the Council of the Federation. However, those interviewed, especially the former Environment Ministers themselves, confirmed that

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<sup>38</sup> Québec is not a signatory but reserved the right to participate in joint environmental efforts under the Accord. It criticised the Accord as amounting to a devolution of federal responsibilities to the provinces; highlighting the federal-provincial paradox in which both levels of government seek to retain their powers, but deflect spending responsibilities.

NRTEE was the main forum for consultation between the provinces, territories, and federal government throughout this period.

Glen Murray,<sup>39</sup> former Chair of the NRTEE (and former Mayor of Winnipeg, former Chair of the Big City Mayors Caucus, and subsequent Minister who has run under both the Liberal and Conservative parties) described the Roundtable thus:

‘The idea is, the people that have to be actors in implementing are brought around to think about it. They work with environmentalists and ecologists to try to get their head around the research, science, and economic advice.’

‘We put it through the lens of different orders of government, sectors of society, and the economy. To give the government advice that is savvy and will be responded to predictably in the oil patch in Alberta, in the National Assembly in Québec, amongst Northern People, at the municipal level, and in corporate Canada and in labour Canada. So we have a pretty big role. We are not just policy advisors. What we do is a sort of national engagement’ (Personal Interview).

What is most revealing in his description was that NRTEE sought advice that would be ‘responded to predictably’ in all levels of government and in Canadian society. In many ways the NRTEE was a national vetting process for different climate change policies; though the Chairman was careful to say that NRTEE only sought to *inform*, not shape, federal government policy. This was reiterated by another former head of the NRTEE, David McLaughlin, who stressed ‘we are at arm’s length from government’ (Woodrow Wilson Institute Panel, 2012). The Roundtable produced reports that considered multiple carbon pricing policies and tried to balance the concerns of business and environmental groups. There were concerns that the NRTEE was biased towards business (in fact, labour unions at one point boycotted the proceedings in opposition). Certainly the consultations were ‘no bastion of [environmental] radicalism – jokingly referred to as “the radical centre” or “rabid moderation”’ (Foster, 2012). As a result, their proposals aimed to appeal

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<sup>39</sup> Interestingly, Glen Murray was considered a controversial appointment though also praised as a strong character. Personal Interview with anonymous negotiator in the 1997 Canadian UNFCCC Delegation.

to the widest contingent of society whilst also basing recommendations upon tried and tested models such as emissions trading to tackle Acid Rain in North America.

Overall, the NRTEE succeeded in its mandate (bringing together different levels of government and stakeholder groups); but failed to foster provincial action or even diminish the heated rhetoric and power politics between Ottawa and the provinces. As summarised by Glen Toner (2002), in Canada, ‘intergovernmental co-ordination is a major and time-consuming preoccupation and the politics of the intergovernmental arena is often extremely conflictual’. As one unnamed government official and former member of the Canadian UNFCCC delegation summarised: ‘NRTEE has been a bit of a disappointment’ (Anonymous Personal Interview). However, NRTEE was devised to be an independent, apolitical consultation body. It could never overcome the regional divisions and power politics between the federal and provincial positions because it did not represent the federal government. It is true that analysis and study were required after the Kyoto Protocol was signed so that the implications of climate change policy as well as inaction could be assessed. However, the next step required that the federal government formally negotiate a deal with the provinces, not run more stakeholder consultations. As NRTEE’s current head explained, ‘Canada to date has not had a lot of formal engagement at an inter-governmental level in terms of saying ‘ok, let’s get a pan-Canadian policy. [...] There has been some dialogue and there is a lot of tactical work [...] but there has not been that policy integration [between the two levels of governments]’ (McLaughlin, 2012). An independent roundtable can offer impartial information and advice but it is not a substitute for formal negotiations between the First Ministers, Premiers, and Prime Minister. It is surprising that the First Minister’s meetings, which carry more weight politically, were not used more effectively. For example, regarding the ratification process,

‘[A]ll the provinces demanded that the federal government take the ratification decision to the level of a First Minister's meeting. The federal government refused to use that federal-provincial mechanism, unilaterally ratified despite vociferous Alberta objections and then proceeded to develop its own programme for regulating industrial emissions. [...] At this point the supporting system of joint federal-provincial committees ceased to function’ (Gordon and Macdonald, 2011, p. 16).

A codified and politically powerful coordination mechanism might have improved the chances for consensus between the federal and provincial governments, as seen in the EU (Macdonald et al., 2013). However, Alberta, in many ways, remained a default veto (Macdonald, 2008). The way NRTEE was mandated meant that, ‘[i]t was perhaps inevitable that what could be achieved by consensus fell short’ (Bruce and Russell, 2004, p. 207). Eventually, with the election of a majority Conservative government, NRTEE was disbanded in 2012 after its modest recommendations went against the Conservative government.<sup>40</sup> Hon. Peter Kent, Minister of Environment under the Conservative Party said, ‘[o]ne major point of disagreement with the National Roundtable report was, it again recommended carbon pricing [...] our government is not going to impose a carbon tax on Canadians’ (Quoted in Wherry, 2012; Supported by Kent Personal Interview; Simpson, 2012).

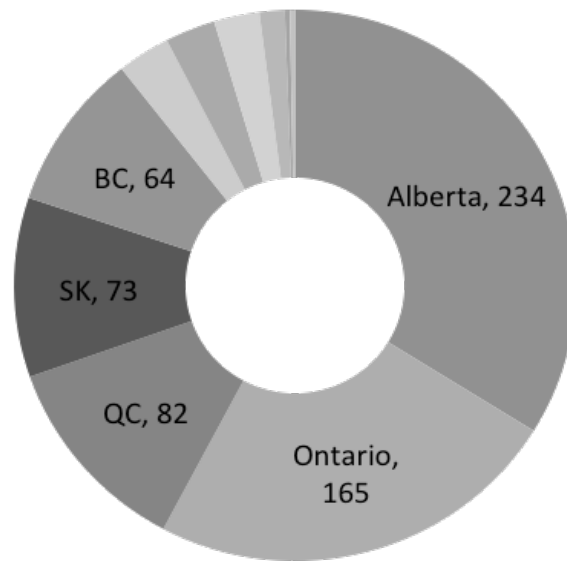
#### **4.5 Provincial Vetoes on Federal Action, 1997-2005**

The provinces are far from uniform in their approach to the Kyoto Protocol and climate change in general. For example, Québec saw initial opportunities under Kyoto to receive credit for exporting clean energy (hydropower) to the United States. Others, like Ontario, relied on coal-fired plants to fuel their manufacturing sectors and worried about the costs of compliance (although Ontario has recently begun the process of phasing out its coal-fired plants).

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<sup>40</sup> It was also suggested that NRTEE further angered the Conservative Party because it recommended an ‘education awareness’ programme in advance of the controversial Mackenzie Valley pipeline (Foster, online).

**Figure 7 Main Provincial Contributors to National GHG Emissions (Mt), 2009**



The provinces represent divergent environments and economies with unique vulnerabilities to a changing climate and a changing energy sector. However, all were wary of the costs of implementation to some degree as well as federal intrusion over their powers over energy and the environment. This was exacerbated back in 1997 when the government admitted it would face difficulty adhering to the new Kyoto targets. As David McLaughlin, President of the NRTEE, observed,

‘the Kyoto debate got off, in many respects, to a bad start in Canada. Early on, the same government had signed [up to Kyoto but acknowledged] we will have difficulty meeting the targets. That had an impact as to how we have gone forward [since then]’ (Presentation, Woodrow Wilson Institute Panel, 2012).

It made the provinces anxious that the federal government would pursue sweeping GHG regulations with the implementation costs falling to the provinces’ budgets (and of course, fears of the impact to their industries). Alberta threatened a legal challenge to the federal government’s authority to sign up to the Kyoto Protocol (Dion Personal Interview; Supported by Kukucha, 2005). However, this ‘posturing’ only played out in the broadsheets, not in the Courts (Jansen, 2002, p. 113). That said, the threat remained of a

legal challenge from the provinces, even regarding powers, which, at face value, fall within federal jurisdiction. The Supreme Court overturned Ottawa's national energy tax (National Energy Program) in the 1980s and the most recent Harmonized Sales Tax (2013) was only permitted by the Court if provinces were allowed to opt out. As Hon. Stéphane Dion, former Leader of the Liberal Party and Opposition, admitted, a federal carbon pricing programme would most likely see a legal challenge, even if his party believed it would be upheld (Personal Interview).

'The courts have been fairly generous in finding federal powers over the environment. For example, in *R. v. Hydro Québec*, the Supreme Court of Canada examined whether the federal government had the power to implement toxic substances regulations under its criminal law powers. [...] However, the decision was close (five to four)' (Green, 2008, p. 249).

In other instances, federal powers were overturned, most notably with the National Energy Program. In fact, 'the Supreme Court of Canada largely dismissed the federal powers of peace, order, and good government as a basis for federal environmental jurisdiction, but upheld the toxics regulation provisions of the federal Canadian Environmental Protection Act under the criminal law power' (Lucas, 2004, p. 185). Interviews with key Ministers revealed that they were of the opinion that the federal government did have the authority to introduce a carbon pricing system under the criminal code (which was pursued by the federal government's Large Final Emitters Program), but a legal challenge from the provinces was highly likely. Even if the courts upheld federal powers, the political and financial costs of a lengthy Supreme Court battle surely could not have been appealing.

In addition, the federal government was hampered by the political tactics of anti-Kyoto provinces such as Alberta and British Columbia (and to a lesser extent Ontario). For example, when Chrétien announced Canada's intention to ratify Kyoto in 2002, Alberta's Premier 'presented the Prime Minister with a letter purportedly signed by all provinces except Québec, stating that a detailed, national plan [for implementation] must

be developed before Kyoto could be ratified [although] Manitoba and PEI soon joined Québec in disassociating themselves from the letter' (Macdonald, 2001). When the federal government came out with an updated climate change plan that year, all of the provinces criticised the federal strategy as seen in the statement by the provinces released after the joint meeting of Energy and Environment Ministers in Halifax, October 2002. Although some provinces supported ratification such as Manitoba and Québec, they all felt they had been side-lined in the policy process, which fuelled the anti-Kyoto opposition (Personal Interviews; Macdonald, 2001). Former Minister of Environment, Hon. David Anderson agreed that provincial inaction slowed the ratification process in Canada, due to inadequate capacity (Section 4.4.1) and lack of commitment from the provinces (Personal Interview).

Leading the charge was Alberta, whose Premier, Hon. Ralph Klein, viewed Kyoto as a severe threat to their oil and gas industry. NRTEE did little to stem their fears; and so, Alberta dedicated funds to anti-climate change and anti-Kyoto campaigns (CBC News, 2002) obstructing Ottawa's attempts to mobilise provincial action. It was joined by a vocal anti-Kyoto lobby within business (Chapter 5). Alberta went further to lobby the western provinces to reject federal proposals and back an alternative Alberta proposal (Smith and Victor, 2004, p. 221).<sup>41</sup> They were also active at the international negotiations, working with anti-Kyoto groups in the United States as well as pushing for a rival, international agreement: the Asia-Pacific Partnership on Clean Development and Climate.

After ratification, when the federal government was in the process of finalising a new climate change programme, Alberta pushed through its own, less stringent plan designed to pre-empt Ottawa (Gordon and Macdonald, 2011). Alberta's plan stated, 'atmospheric carbon dioxide and methane are not toxic and are inextricably linked with the management of renewable and non-renewable natural resources, including sinks'.

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<sup>41</sup> Proposal entitled, *Alberta and Climate Change: Taking Action*, 2002.



This directly contradicted the federal government's plan to regulate GHG emissions as a 'toxic', controlled substance under the criminal code. The Alberta plan may also have been designed to prevent the federal government using the "peace, order, and good government" clause if the provinces showed an inability or unwillingness to address a national issue such as climate change (Lucas, 2004).<sup>42</sup> This pre-emptive action occurred again in 2007, when Alberta became the first province to introduce a carbon pricing system with revenue directed towards green technology. Each time Alberta introduced a "Made-in-Alberta" solution separate to Canada's national Kyoto commitments. This type of political manoeuvring proved effective in undermining federal efforts while granting favourable terms to business.

#### **4.6 Barriers to Unilateral Federal Action**

By the time the Kyoto Protocol was ratified in 2002 it is fair to say that federal-provincial consultation failed to mobilise action on the part of the provinces, or even generate effective federal policies. Canada's national emissions grew to 715 megatonnes that year, a 5.6% growth from 1998 and more than 11% from her Kyoto target. Between 1997 and 2005, Ottawa used her more limited powers to a) regulate emissions as a controlled substance through the Canadian Environmental Protection Act (a proposal which was later withdrawn under Conservative pressure in 2005)<sup>43</sup>; b) introduce voluntary initiatives (such as the voluntary Memorandum of Understanding to reduce the automobile industry's emissions by roughly 5% by 2010); c) fund public awareness campaigns (such as the One-Tonne Challenge); and d) sponsor green technologies (as seen in Canada's

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<sup>42</sup> 'A factor weighing in favour of federal peace, order, and good government jurisdiction: *R. v. Crown Zellerbach*' (Lucas, 2004, p. 196).

<sup>43</sup> GHG emissions such as CO<sub>2</sub> were "managed" under CEPA, they were not labelled as "toxic" – a classification which disappeared in 2005 to allow for the government's proposed credit trading system.

*Action Plan 2000*, agreed by all the provinces except Ontario<sup>44</sup>). The new plan in 2002 represented a departure from consensus with the provinces who had no hand in its development; however the national plan could still only use instruments under federal control. In 2005, Ottawa released *Project Green* and a notice of intent was issued for the credit trading system for Large Final Emitters (LFE) Program, which sought to limit carbon intensity rather than impose an absolute cap (following the inclusion of GHGs as a controlled substance). However, the plans were scrapped after the Liberal government lost the 2006 election. In total, Ottawa spent \$3.7 billion CAD between 1997 and 2005 and yet failed to stem the growth in GHG emissions. And since 2005, all specific climate change programmes, such as the One-Tonne Challenge, have been dismantled by the Conservative government. In 2007, the Conservative government released *Turning the Corner in 2007* and announced a new target to replace their Kyoto commitments: to reduce GHG emissions by 20% below Canada's 2006 level by 2020. For a summary of federal climate change policies between 1997 and 2011, see Appendix C. Throughout this period, Ottawa faced significant barriers to act unilaterally on climate change which can be evaluated under three broad issues: a) Canadian regionalism, b) limited federal powers over the environment and energy, and c) uncoordinated provincial action on climate change. The rest of the chapter will evaluate all three.

#### **4.6.1 Canadian Regionalism**

The sub-text to Canada's domestic debate over climate change can be found in deep-rooted regional divisions. Pick up any textbook on Canadian politics and one of the first chapters will be dedicated to regionalism. In contrast to other countries such as the United States, 'regional differences tend to find greater expression in Canada's more decentralised federation' (Harrison, 2007, p. 7) and this is one of the main reasons why

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<sup>44</sup> Ontario citing that the province's Air Quality programme was sufficient.

Canadian politics gives significant weight to stakeholder involvement (as we will see in the next chapter).

### **Figure 8 The Milch Cow**

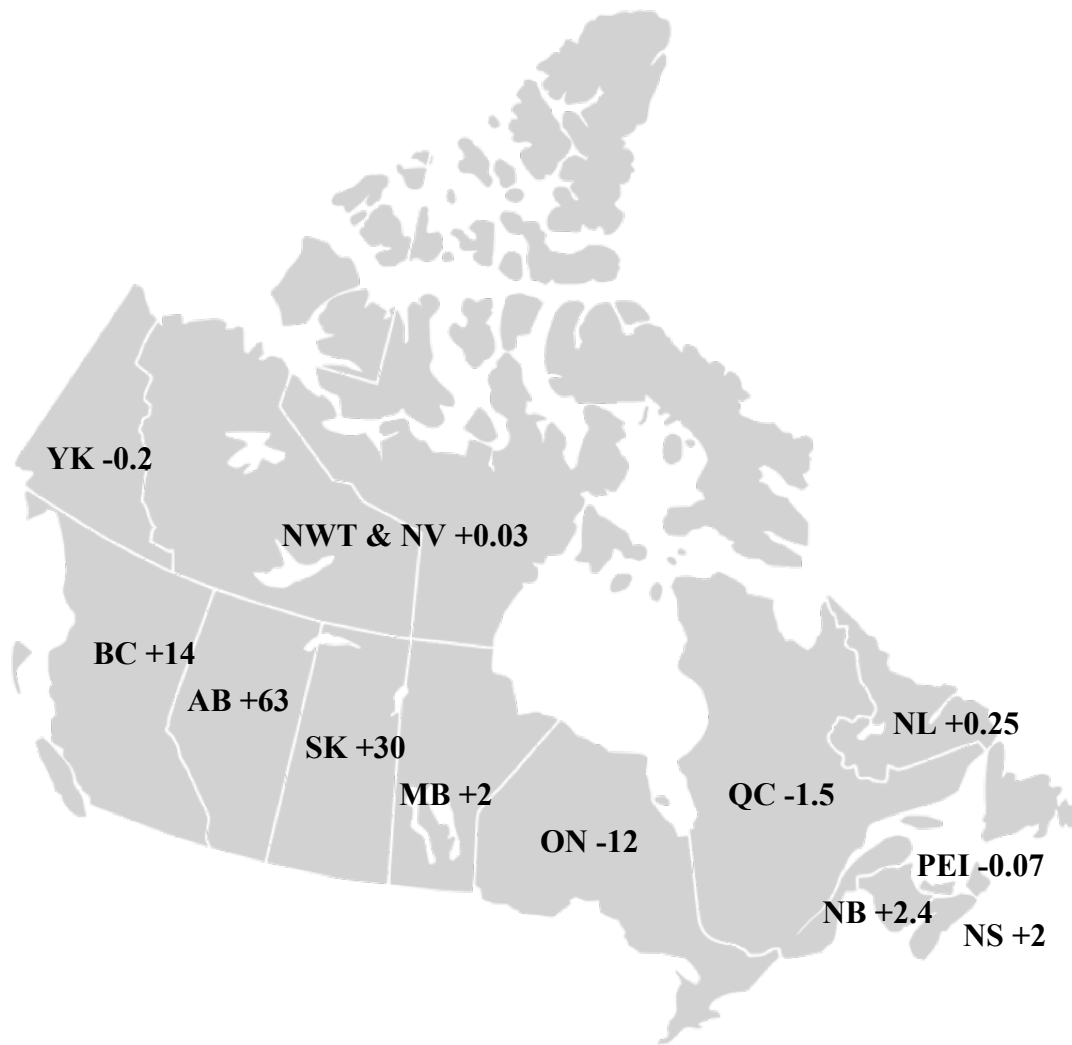
(Source: Grain Growers Guide, 1915)



This is exemplified with the Kyoto Protocol as explained by Rodney White, former Director of the University of Toronto's Institute of Environmental Studies. '[It was] a nightmare scenario for the federal government because [Kyoto] was going to accentuate regional differences' (Personal Interview). This is supported by Simpson et al., '[a]ny policy that targets one or two provinces will fail' (2007, p. 25). Although the federal government stressed the use of Kyoto's flexible mechanisms and the costs of inaction (Lucas, 2004), it was clear that some provinces would pay a higher price of compliance.

**Figure 9 Changes in Provincial GHG Emissions 1990-2009 (Metric Tonne CO<sub>2</sub>)**

(Source: Holmes, 2012)<sup>45</sup>



This nightmare scenario was made worse by the fact that the Cabinet was divided over the Kyoto Protocol. In fact, Natural Resources Canada and Environment Canada represented different regional interests; with the former more closely tied to the energy sector and the latter with scientists and green groups (as will be discussed in Chapter 5). In addition, the Liberal Party had few MPs in key fossil fuel provinces such as Alberta and Saskatchewan, who have their own regional parties (See **Table 5** below for the number of elected Liberal MPs in both Provinces). Scholars such as Lipset (1968) and Macpherson (1953) describe how ‘regional class structures and economic conditions [in

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<sup>45</sup> Note that the greenhouse gas emissions have started to creep back up in the recovery of the 2008 global economic downturn, although the large province of Ontario has kept its emissions reduced (-3.4% of 1990 levels).

the early 20<sup>th</sup> century] were central to the emergence and persistence of right-wing and left-wing agrarian parties in Alberta and Saskatchewan, respectively’ (Bickerton and Gagnon, 2009, p. 83). These western regional parties are still a feature of Canadian politics today and in the case of climate policy they served to amplify western opposition to any federal climate policy that seemed to target these two provinces.

**Table 5 Number of Elected Liberal MPs in Alberta and Saskatchewan**

<b>Canadian Parliament</b>	<b>Number of Liberal MPs</b>
36 <sup>th</sup> Parliament 1997-2000	2 (Saskatchewan), 2 (Alberta) out of 155 MPs
37 <sup>th</sup> Parliament 2001-2004	2 (Saskatchewan), 2 (Alberta) out of 172 MPs
38 <sup>th</sup> Parliament 2004-2005	1 (Saskatchewan), 1 (Alberta) out of 135 MPs

The Liberal Party enjoyed the strongest representation in the eastern provinces and with only a handful of MPs in the Prairies (Table 4). As such, Chrétien’s climate change programme was vulnerable to the charge of being a regionalist initiative with the east imposing emission restrictions on the west. This, of course, was the same regional dynamic that had played out during the late 1970s and early 1980s over the National Energy Program. But by the 2000s, changing demographic and economic patterns made western Canada more powerful than it had been a generation before, and so the ruling Liberals had to be even more mindful of western sensitivities, and this partisan political concern with the politics of Canadian regionalism was a significant obstacle to unilateral federal action in the face of western opposition to climate policy.

#### **4.6.2 Limited Federal Powers to Implement Kyoto**

As discussed earlier in the chapter, Ottawa’s policy options to meet Kyoto fell within a limited spectrum. At one end, Ottawa could buy her Kyoto reductions without any

domestic mitigation through straight accounting provisions by taking credit for Canada's growing forests along with inexpensive "hot air" from Russia and Ukraine (Smith and Victor, 2004, p. 221). This would have done nothing to help the country's green credentials or international reputation, nor would it have matched public sentiment; however, it was a policy option that Ottawa could but did not pursue.<sup>46</sup> On the other side of the spectrum, the federal government could use its powers over taxation to issue a national carbon tax offering a straightforward system to reduce absolute emissions (See Harrison, 2010).<sup>47</sup> This, however, carried an enormous political cost in a country divided by regional interests, since a carbon tax would be essentially a tax on one particular region of Canada (Alberta and Saskatchewan in the Prairies) and would accentuate regional divisions during a time when Chrétien wanted to bring the provinces on side. In fact, back in 1994, Chrétien was quoted reassuring an audience in Alberta, '[r]elax, relax ... [a carbon tax] is not on the table, and it will not be on the table' (Corcoran, 1994 quoted in Macdonald, 2008, p. 230). Once again, the comparison between the National Energy Program and a new carbon tax would have been obvious. The fear over a carbon tax also incited the fossil fuel sector, with major trade associations dedicating significant lobbying effort to prevent it (See Chapter 5). As such, Ottawa put Natural Resources Canada based in Alberta, in charge of the climate change file and pursued technological and voluntary measures which failed to bring about widespread emission reductions. The government only developed a slightly more ambitious cap-and-trade system (Large Final Emitters Program) once Environment Canada took the helm many years later, though this programme was never realised once the Liberal Party lost the 2006 election.

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<sup>46</sup> Harrison (2010) explains that international credit purchases were included in the federal government's *Project Green* (2002) but were 'studiously omitted' because it 'did not play well with voters at home' (p. 183). In an earlier PMO draft, *Project Green* proposed over 100 metric tonnes per year amounting to almost 40% of Canada's reductions.

<sup>47</sup> A cap-and-trade system falls within the federal powers over interprovincial trade yet would have still required negotiation with the provinces. As Stéphane Dion, Former Leader of Canada's Liberal Party, speculated, the provinces would have also sought to challenge the federal powers over cap-and-trade even if they had won.

It was not until the 2008 election, five years after Chrétien stepped down, that the issue of a national carbon tax was proposed once again by the Liberal Party. Stéphane Dion, former Minister of Environment under Prime Minister Martin and leader of the Liberal Party in opposition from 2006 to 2008, made the carbon tax a feature of the Liberal platform, entitled *The Green Shift*.<sup>48</sup> In fact, climate change became a red button issue for the 2008 election with each of the parties proposing their own strategy for reducing emissions. For this research, Stéphane Dion was interviewed and candidly admitted that the carbon tax proposal probably cost him the election.<sup>49</sup> He explained that he did not know of anyone who had won an election based on a carbon tax; and as such, he took a major gamble during the election. Such a tax can be a straightforward means to modify consumption and behaviour to reduce CO<sub>2</sub> emissions (roughly 79% of total Canadian GHG emissions) but it is politically more difficult to sell than a cap-and-trade system, or indeed softer technological and voluntary measures. Even Alberta's emissions trading system, which essentially operates as a de facto carbon tax since corporations chose to pay the fine rather than trade credits, avoids the label of a tax (Meadows, 2008). Dion spoke of the difficulty of effectively communicating and persuading voters about the tax, even a revenue neutral tax; and more importantly, one that kept revenue within each province, thus side-stepping the mistakes of the National Energy Program. Both the Conservative Party and the New Democratic Party (to the right and left of the Liberal Party) proposed cap-and-trade systems over a tax and Dion admitted that members of his party distanced themselves from the "Dion tax" as it was popularly referred. Various carbon pricing systems had been introduced in Alberta and Québec before the election,

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<sup>48</sup> The Green Shift 2008 proposed a tax on GHG emissions applied to all fossil fuels with the exception of gas at the pump, which has separate, pre-existing taxes. Diesel and aviation fuel would not have increased in the first year also owing to pre-existing taxes. The plan consisted of an initial tax of \$10 per tonne of GHG emissions, increasing every year to a maximum of \$40 per tonne within four years. The tax would also be matched by reductions in personal income and corporate taxes. Rural and Northern communities would have seen an additional tax credit due to their greater reliance on diesel for basic livelihood.

<sup>49</sup> In British Columbia and Australia a carbon tax would also prove costly in bid for re-election. In 2013, Australia's Opposition leader Tony Abbott has declared the election a 'referendum on the carbon tax' (quoted in McGuirk, 2013).

and in British Columbia that year. However, these taxes were not platform issues during elections. The most ambitious of these (the BC carbon tax) was introduced three years after an election with the ‘tremendously popular’ Premier Gordon Campbell (Dion Personal Interview). These other carbon taxes in two of the four most populous provinces would have further hampered a federal carbon tax since it would appear to voters as a duplication of policy and burden.

Dion divulged one revealing meeting between his Liberal team and representatives from the Canadian oil industry. The industry leaders said that they preferred Dion’s carbon tax to the incumbent, Stephen Harper’s carbon trading programme, which provided little certainty for their future business models and would have only assisted their lawyers, not their shareholders (Supported by Lucas, 2004). Of course, Dion’s team was delighted to hear this and asked if they could thus count on their support in the election. Instead, the industry representatives said ‘no, they will destroy us’ (Dion Personal Interview). They explained that they did not believe Prime Minister Harper would actually follow through with a cap-and-trade system (a prediction which has so far proved accurate) and ‘no plan was better’ than a carbon tax. As Dion described, they were worried most by Dion’s ‘sincerity’, even though his plan was preferable to their own business interests.

In the end, Dion and the Liberal Party failed to communicate and persuade the carbon tax to voters (Dion Personal Interview). The Liberals lost an additional 26 seats in Parliament. The Conservatives won seats but remained 12 short of a majority government until 2011. There currently stands no federal carbon pricing system, and no proposal has come close since the Liberal credit trading system for Large Final Emitters which was stopped when the Conservative Party took Parliament in 2006. In fact, since then, the federal government has witnessed a fundamental reshuffle of all the key national parties. Both the right, Conservative Party, and left, New Democratic Party have increased in



influence; while the center-left Liberal and Bloc Québécois parties have lost seats over the past two elections (See Appendix D for break-down of political parties). Since 1997 the political landscape of Ottawa has fundamentally changed, and with two successive minority governments between 2006-2011, the introduction of an ambitious federal carbon pricing programme proved impossible given the lack of consensus and the wider partisan political differences.

#### **4.6.3 Proliferation of Uncoordinated Provincial Initiatives**

When the provinces finally began to formulate their own provincial plans to address climate change after 2000, there was little coordination with one another or the federal government. The provinces hold far-reaching powers and their host of directed measures runs just as wide, including grants for retrofitting buildings, subsidies for renewable energy, and various tax credits. Some like Alberta and Québec have pursued modest cap-and-trade programmes, with Manitoba, Ontario, and New Brunswick having publicly committed to following suit. British Columbia introduced a carbon tax. However, none have seen large reductions in emissions and most have fairly weak commitments to reduce greenhouse gas emissions. The most notable exception is Ontario's decision to shut down its coal-fired plants, which will lead to significant emission reductions in the coming years, while also improving air quality and reducing acid rain, which were key considerations in the decision.

In addition to their divided economic interests explained in earlier sections, another reason why the provinces have been reluctant to adopt stronger emission targets is their closely linked markets with the United States (especially the electricity grid). Thus the New England states, along with Québec and the Maritime provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, formulated the New

England Governors and Eastern Canadian Premiers (NEG-ECP) Climate Change Action Plan; while in the west British Columbia and Manitoba were heavily involved in plans by the Western Climate Initiative, led by the governors of California, Oregon, and Washington, to formulate a regional cap-and-trade regime. Economically, the individual provinces are woven more tightly with the United States than with one another, which might explain their uncoordinated and ad hoc approach.

#### **4.7 Conclusion**

The structure of Canada's federalist system demonstrates the importance of a decisive executive but also severe limitations on the federal government. If Chrétien had not intervened in the UNFCCC negotiations, the country would not have signed the target of -6% since the Canadian delegation did not have the authority to go past their mandate without approval from their Ministers or Prime Minister. Moreover, Chrétien pushed ratification through in 2002 without provincial support, or even consensus amongst his Cabinet. As the Minister of Environment at the time revealed, Chrétien's Cabinet was 'far from unanimous' in its support of ratification (Anderson Personal Interview). The climate change file also moved briefly in 2002 from Natural Resources Canada to the Prime Minister's Office to formulate a new, albeit hasty plan for implementation. It is easy to assume that the failure in implementation came from the top just as the decision to join Kyoto did; after all, Chrétien was in the autumn of his leadership and Kyoto may have been seized upon as a priority issue (as proposed by Macdonald, 2008). More likely, however, were that unavoidable realities in the Canadian system, hindered by miscalculations and missteps after COP3, set the country up for failure. Limited federal powers to reduce emissions through taxation or interprovincial trade, coupled with reduced capacity by both Ottawa and the provinces, restricted policy formation.

Moreover, stark regional divisions made Kyoto a politically sensitive issue, especially any proposal for a carbon tax. NRTEE did not have the political muscle or the mandate to bargain between Ottawa and the provinces. Lastly, delayed ratification coupled with provincial and industry tactics undermined the consultations and Ottawa's political powers. As summarised by Kathryn Harrison, 'it is inconceivable that a Canadian federal government could fully implement the Kyoto Protocol without significant provincial cooperation' (2002, p. 7; Supported by Lucas, 2004). Although the provinces were obstructionist, chief amongst them Alberta, they were also vital for successful implementation; and by not choosing to undertake more formal bargaining through the Joint Ministerial Meetings or similar, the federal government further limited its options to meet the Kyoto Protocol.

Overall, Canadian politics resemble a process of federal-provincial diplomacy (Simeon, 1972). Too often, international relations does not address the domestic powers; and yet it is these powers which shape the options available to each government, federalist or otherwise. What is fascinating is that the provinces who were so detrimental to Ottawa's climate change ambitions would later go on to surpass the federal government: issuing their own carbon taxes, joining regional cap-and-trade initiatives in North America, issuing reporting requirements for carbon capture, and closing coal-fired plants at large cost. Although no province has reduced their growth in emissions by any significant level, and some like Alberta continue to rise unabated, what has been interesting to observe is the development of carbon tax or cap-and-trade systems without any support or coordination from Ottawa.

## Chapter 5 The Role of Interest Groups

### 5.1 Introduction

In Chapter 3 we described Canada's sudden decision to ratify the Kyoto Protocol during Prime Minister Chrétien's trip to the 2002 World Summit on Sustainable Development. The decision was the Prime Minister's alone, with many Cabinet members and lobby groups surprised by the decision, especially since domestic consultations failed to garner agreement or action amongst the provinces. That said, the announcement at the World Summit afforded an ideal platform in front of world leaders and press, for which Chrétien received the customary standing ovation. The reaction of opponents back home was swift. Anti-Kyoto groups increased lobbying pressure in Ottawa and reignited a public campaign which included full-page newspaper advertisements warning that the Protocol would bankrupt the country (White Personal Interview; supported by Macdonald, 2001). When Canada's ratification was formalised in December 2002, a mere formality for the majority government at the time, Chrétien's response to domestic opposition came in the form of a letter the day after from the Minister of Natural Resources,<sup>50</sup> Hon. Herb Dhaliwal, addressed to the Canadian Association of Petroleum Producers (CAPP). In the letter the government promised that the oil and gas industry would not pay a price on carbon greater than \$15 CAD and that industry's target would only be 15% below business-as-usual by 2010 (Kaija Belfry, 2010; Harrison, 2007; Reuters, 2003; White Personal Interview; Murphy Personal Interview; Bramley Personal Interview). No formal agreement was ever signed between government and industry, though the letter was the result of three months of negotiations between the Prime Minister's deputy (the Clerk of the Privy Council), the NRCan Deputy Minister, and the President of CAPP on behalf of the petroleum sector (Kaija Belfry, 2010). On paper this appeared to be an enormous

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<sup>50</sup> Although the letter was penned by Hon. Herb Dhaliwal, it was a promise made by Chrétien and the federal government. Hon. Herb Dhaliwal was chosen because Natural Resources Canada is the Ministry with the closest ties to industry.

concession to large emitters, as the National Climate Change Process estimated abatement costs to be closer to \$250 per tonne of carbon, not \$15; while the 15% guarantee was 15% shy of the government's own estimates of what would be needed to meet its Kyoto targets (Harrison, 2007, p. 18). Some, especially within the press, accused the government of selling out to the powerful oil and gas industry with such a large concession. What they overlooked was a shrewd countermove to neutralise industry opposition.

As Rodney White, former Director of the University of Toronto's Institute for Environmental Studies and long-time expert on Canada's climate change policy, explained, the letter silenced the opposition overnight. 'It was beautifully done – a very clever politician. Let them jump up and down and then say “don't worry, we will take care of it”' (Personal Interview). The \$15 promise did not even specify what was meant by a tonne. Media outlets often confuse a tonne of carbon versus a tonne of carbon dioxide but it changes the value dramatically.<sup>51</sup> The ambiguity was purposely done (White Personal Interview). It defied anti-Kyoto groups that implementation would hurt Canada's fossil fuel economy, while leaving the government without any legal obligations to industry and few specifics to be measured against in the future.

This chapter explores how, why, and with what wider effects did pressure from interest groups shaped Canada's response to Kyoto. Interest groups appeared to enjoy a high degree of influence over Canadian climate policy. Between 1997 and 2002, the federal government had committed itself to an extensive consultation process which offered organised interest groups such as environmental nongovernment organisations and corporations with increased access. Interest groups also accompanied Canada's large delegation teams to all the UNFCCC negotiations. So did interest groups, especially industry, play a deciding hand in the country's climate change policy? Many credit Canada's failed implementation to powerful business interests (Stoett, 2009; Patterson,

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<sup>51</sup> One metric ton (tonne) of carbon equals 3.67 metric tons of carbon dioxide.

1996). However, they often oversimplify the heterogeneous nature of organised industry groups. Such claims also make assumptions about how such influence is wielded, often borrowing ideas from the American experience, which may not apply especially well north of the border. Canada's ratification of the Kyoto Protocol is an especially noteworthy episode because it is one of the few examples where 'business lost a battle over policy' (Macdonald, 2001, p. 2).

Drawing upon interpluralist theory of politics and policymaking (i.e. Lindblom, 1977), this chapter will examine the major stakeholders in the Canadian climate change debate and rehearse the main arguments about how organised interest groups can influence and shape domestic Canadian climate change policy. In Chapter 4, the exchange between Hon. Stéphane Dion's election campaign team and leading industry groups suggested something of the potential of business to influence the agenda. They claimed they would 'destroy' Dion, and he in turn attributed his defeat in the election to organised opposition to his carbon tax proposals helping to tip the balance in a number of key ridings (Dion Personal Interview). But industry was not the only organised interest group seeking to influence federal climate policy in Canada. Key environmental nongovernment organisations, the labour movement, and the Federation of Canadian Municipalities also sought to influence public opinion in their favour and to influence federal policy through multiple tactics. Interviews with all of the key stakeholders revealed how agenda-setting was treated as a competitive game between these players as they vied for public support and political leverage. So are they correct? Does interest group competition ultimately shape the climate change agenda? In this chapter we will examine where and to what extent organised interest groups exercised influence on the actions of the federal government under Chrétien's Liberal Party. The chapter begins by reviewing pluralist theories of policy influence before introducing the main stakeholder groups in the Canadian climate change debate at the time. The chapter goes on to discuss their ability to

shape policy through four channels of influence: campaign finance, agenda-setting, threatening capital strike and job loss, and working with government departments to influence policy from within. Finally we close with wider reflections of pluralist theories and their contributions to the political geographies of the policy process.

## **5.2 The Pluralist Approach**

Group, pluralist theories argue that the identification and policy response to problems such as climate change are the result of the interaction of organised and unorganised interest groups in society. An entire population is viewed as a collection of interest groups; most of whom will be silent on environmental policy issues until their interests align in favour or against emerging policy issues. Governments also have their own policy preferences, which in turn means that some interest groups enjoy privileged access. However, pluralism differs from the state-centric approach of the previous chapters in how it weighs the relative importance of government and nongovernment interest groups. In Chapter 3, the federal government was treated as ‘a more or less independent generator of policy’ (Mitchell, 1997, p. 16) and so the focus was on how power is distributed within the branches of the Canadian state. Group theory turns this on its head, eroding the line between government and the rest of society. Although the political and ideological preferences of government decision-makers is important, they are not the only ones who define a policy issue or set the agenda. The important thing to bear in mind is that a pluralist approach will treat the federal government as a “group” in society (Mitchell, 1997, p. 16) whose success depends on the support of other interest groups in society (Dahl, 1961).

For pluralist theories, organised groups will influence government either directly through buying votes in the form of campaign finance or assisting government to design

policy; or indirectly by influencing public opinion or threatening to withdraw capital (capital strike or flight) as well as cut jobs. In this case study, close attention is paid to industry to test whether they were able to change the federal government's strategy to Kyoto under the Liberal Party. As a leading academic in the area of Canadian climate change policy, Douglas Macdonald, explained that just as the government can use a combination of carrots and sticks to influence industry and business behaviour, so too can industry employ similar tactics – 'promising to provide or threatening to withhold investment and related job creation, financial support for political parties and individual candidates, and public support or condemnation of government policy' (2001, p. 6). The work of Neil Mitchell also forms another cornerstone for the analysis. He offers a nuanced argument for how 'the political system is loaded to favour business' although it is not fool proof (1997, p. 3). In his book, *The Conspicuous Corporation*, Mitchell offers a pluralist view between multi-actor theories and business dominance theories. He expands on the work of Charles Lindblom (1977) to argue that 'business exercises disproportionate ideological influence [on society], that maintaining business confidence concerns government officials, and that business political resources are formidable' (1997, p. 6). That said, business interests do fail, especially when arrayed against other organised interest groups and when their objectives are fundamentally incompatible with the ideological preferences of the public or government. As mentioned before, the Kyoto Protocol is a significant case study because it represented, for a time, one of those failures by industry (Macdonald, 2001). Such cases contradict the theoretical argument of Lindblom's theory of business dominance and as such they 'provide the analytical opportunity to identify the conditions under which business political power breaks down and to refine theory' (Mitchell, 1997, p. 7).

This chapter will focus on critical events in Canada's domestic climate change debate to examine how interest groups acted and reacted, succeeded and failed, to



influence the federal government's Kyoto strategy. However, before continuing, it is important to address how stakeholder interest in the climate change arena is multifaceted and ever-changing. Even within industry, and again within the oil and gas sector, the interests of corporations and trade associations are far from unanimous. It is outside the scope of this research to investigate the battles over messaging within these broad interest groups; however, it is important to remember that influence and resources are not shared evenly within such groups, with dominant individuals and corporations driving their overall message. The sections below will lay the groundwork and map the four main organised interest groups in the Canadian climate change debate, amalgamating each group's main concerns and policy objectives for each to provide context for the subsequent analysis.<sup>52</sup> These groups include environmental nongovernment organisations (ENGOS), the labour movement, the federation of Canadian municipalities and industry groups. Particular attention is paid to industry, which is by far the largest and most diverse group in terms of the evolution of the domestic debate over Kyoto ratification and implementation. Unlike previous chapters, the public is not treated as a distinct group since pluralism regards the public as a collection of interest groups, albeit mostly silent. The media will also not be introduced as a separate group but a mouthpiece for others. The media can and does influence the political agenda, especially how issues are framed in the public sphere (Boykoff, 2011). Moreover, key Canadian publications such as the *National Post* did appear to align with certain interest groups and try to shape the agenda accordingly. However, overall the Canadian media was a lagging indicator and did not demonstrate a unified agenda on the Kyoto Protocol during this time period. The media was too diverse in its opinions to be analysed as a distinct group. Prominent members of

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<sup>52</sup> Other groups included academic bodies such as the University of Toronto and the Energy Research Group at Simon Fraser University, Science for Peace, and the United Churches of Canada. However, this analysis focuses on the most active stakeholder groups: environmental nongovernment organisations, labour unions, the Federation of Municipalities acting on behalf of Canadian cities, and industry groups.

the press are included as part of other key interest groups, but the media itself was not an *organised* interest group in and of itself.

### **5.2.1 Green Groups**

Environmental nongovernment organisations were one of the earliest vested stakeholder groups in the climate change debate. It is widely documented how such green groups, along with the IPCC and scientific community, first identified and framed “global warming”, putting it on the political agenda back in the late 1970s and early 1980s. As explained by Wendt and Duvall, such organisations can become the ‘preconditions for meaningful state action’ (1989, p. 53); and much academic study drawing from epistemic communities demonstrates the role of the global scientific community, the IPCC, and key non-state actors in bringing climate change to the political agenda and initially framing the problem (Haas, 2000; Patterson, 1996).

At the time, climate change was best understood at the global scale and there was limited appreciation of its impact on regional and local environments. Unsurprisingly, only international and national ENGOs dedicated significant resources to the file. Attendance at the UNFCCC negotiations and lobbying efforts in Ottawa also required a fair share of financial and technical expenditure which excluded smaller, more locally-focused ENGOs (although a network of ENGOs, Climate Action Network Canada, was formed to compensate for this by creating a facility for sharing information and coordinating policy work). Prior to 2006, the most active ENGOs in Canada included the Sierra Club of Canada, Greenpeace Canada, the Pembina Institute, the David Suzuki Foundation, and to a lesser extent Pollution Probe (Ogilvie Personal Interview; Hengeveld Personal Interview; Bramley Personal Interview). After 2006, development nongovernment organisations began to take a more active role in the climate change

debate, and sought to reframe climate change as a development, poverty, and human rights issue. However, the five ENGOs listed above were the most active organisations during this early period, under the Liberal government. They dedicated consultants to work both nationally and internationally on the issue, participated in consultations and task groups including forming part of the UNFCCC Canadian delegation teams, and organised public meetings and campaigns to shape and influence public opinion. Straight away, it is obvious that this is not a large number in comparison to other Annex I countries, although as we will see, their influence was substantial despite their small size and number.

### **5.2.2 Unions and Organised Labour**

The labour movement was another early entrant into the Canadian climate change debate, where it has been active since the 1990s. Organisations included the Ontario Energy Coalition, the Canadian Labour Congress, and most notably the Communications, Energy and Paperworkers Union of Canada (CEP) who were the largest union representing workers in oil and gas, pulp and paper, and other heavy emission industries including oil sands.<sup>53</sup> Their rationale for supporting Kyoto was more historical than economic. As Brian Kohler, an early advocate for climate change action within CEP, explained: ‘[w]e wanted to be able to say something positive [...] and not, as some unions have done, be the last defenders of the indefensible [...] defend[ing] our right to clear-cut trees or pump the soil’ (Personal Interview; Supported by Swift, 2003).<sup>54</sup> The CEP took the same approach to pulp and paper in British Columbia, where they called for an end to clear-

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<sup>53</sup> In 2013, CEP and the Canadian Auto Workers (CAW) joined to form Unifor for Canada (Unifor), the largest private sector union in Canada.

<sup>54</sup> Incidentally, it was Brian Kohler who invited Henry Hengeveld, Senior Advisor on climate change from Environment Canada, to make a presentation to the CEP committee explaining the science behind climate change. Environment Canada was keen to reach out to prominent labour unions to make the case for action on climate change.

cutting and pushed for more sustainable forestry management, including more public consultations (Swift, 2003). In the past, some unions fought against environmental regulation in heavy polluting industries in order to safeguard profit and therefore jobs. This backfired when companies eventually switched and declared themselves green: leaving the unions ‘hanging out there with no credibility left whatsoever’ (Kohler Personal Interview). CEP did not want to be seen as ‘getting into bed’ with industry (Swift, 2003, p. 91), so Brian Kohler and others such as the Superfund for Workers in the United States fostered the idea of ‘just transition’, which recognises that practices must change, as long as this is done in a way that is just for workers and communities (Kohler Personal Interview). As Brian Payne, President of CEP, said, ‘it does not have to be a question of jobs or the environment, clearly we can have both’ (Speech, 2002 quoted in Swift, 2003, p. 94)). ‘Just transition’ was fostered by key intellectual entrepreneurs to become the overarching policy position of the labour movement in Canada. Moreover, the country’s labour movement was invested in Kyoto: viewing itself as one of the primary stakeholders in the climate change debate (for example, CEP’s President sat on the National Round Table of Energy and the Environment) and pushing for ratification so long as workers’ rights were preserved. In fact, the Canadian labour movement was both unified and more receptive to Kyoto, especially compared to their counterparts in the United States who were split in their support or absent altogether from the domestic debate (Kohler Personal Interview).

This was echoed at the global level and the constellation of international unions and associations. The most visible in the climate change debate were the International Confederation of Free Trade Unions (ICFTU), the Global Union Federation (GUF), and the International Federation of Chemical, Energy, Mine, and General Workers’ Unions (ICEM) although there were many more. ICEM and ICFTU, in particular, were involved throughout the Kyoto Protocol negotiations in advocating ‘just transition’.

### 5.2.3 Municipalities

Canadian city governments were also a strong voice in the domestic and international climate change debate. They are an order of government, and certainly prefer to be seen as such rather than as stakeholders; however, the Federation of Canadian Municipalities (FCM) and the World Mayors Council on Climate Change are included in the analysis as they are associations with no constitutional powers.

Unlike the provinces who were slow to adopt robust climate change policies, many municipalities<sup>55</sup> were forerunners in the domestic and international climate change debate with the FCM pushing for Kyoto implementation and often coordinating action between Canadian and US cities. They lobbied provincial and federal orders of government, though they enjoyed more success with their own local implementation than in setting the domestic agenda and pushing the provinces to act. What was driving these associations? As Mary Jane Middelkoop, Senior Policy Analyst at FCM, explained, ‘the bottom line [and] the possibility of liability’ were the chief concerns for Canadian municipalities (Personal Interview). In the early 2000s, the municipalities were more concerned about the vulnerabilities to climate change and the cost of adaptation under their public service duties, whereas the provinces were worried about the cost of Kyoto compliance and their revenue tax base from industry. For example, the municipalities of Ontario not only faced record floods but also class action lawsuits following their failure to anticipate and cope with the yearly increase of water. The same applies to water shortages or other significant climate impacts. There are now training programmes for Canadian municipalities warning that ‘[a]s the public begins to better understand the impacts of climate change, the risks of legal action increase if municipalities fail to take appropriate action to adapt to these changes’ (Penney et al., 2011). So the World Mayors Council on Climate Change and the FCM advocated large reductions in greenhouse gas

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<sup>55</sup> For example, in sharp contrast with the Ontario government, the province’s largest city, Toronto, established targets and has since cut its greenhouse gas emissions by 15% of 1990 levels (Purcell, 2013).

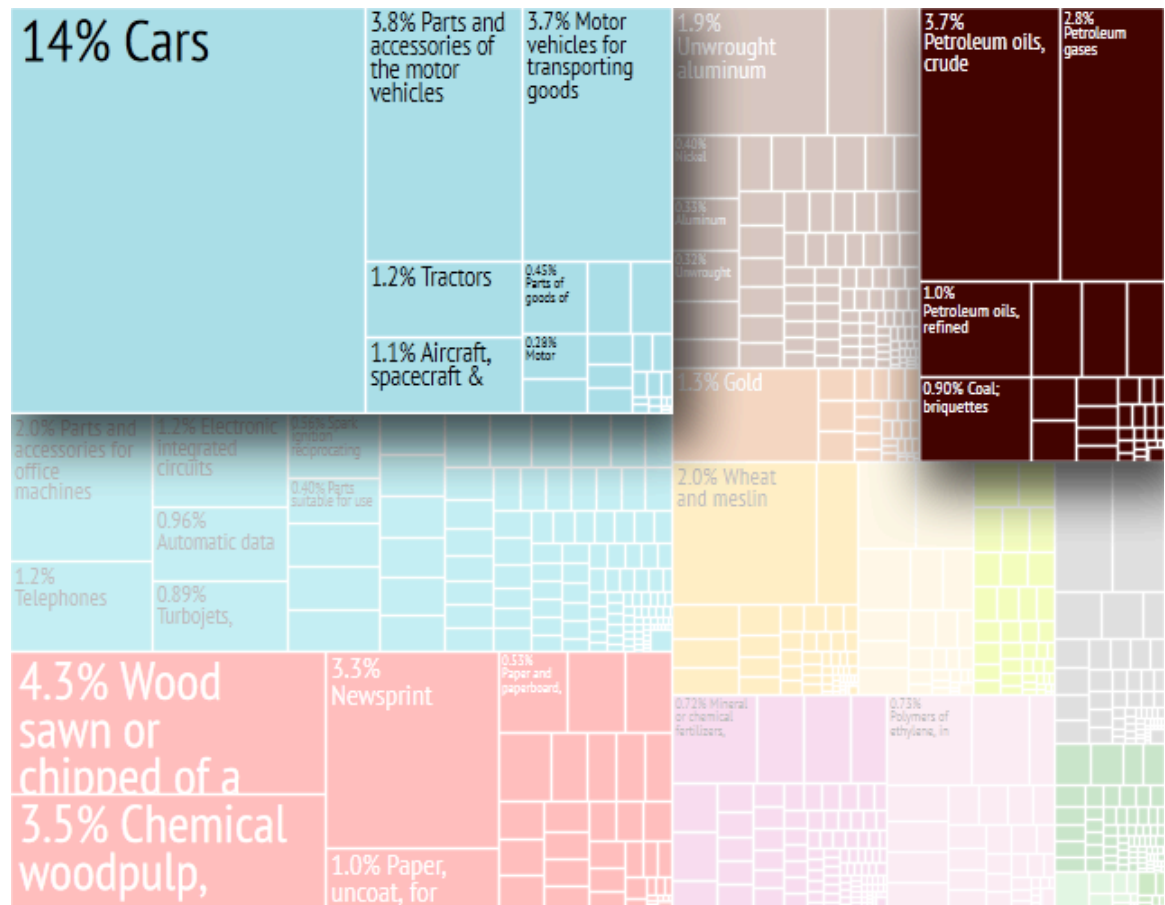
emissions and robust action on the part of federal and provincial governments. This is significant because of their proximity to voters and the fact that more than half of Canada's greenhouse gas emissions are attributable to municipalities (Middelkoop Personal Interview).

#### **5.2.4 Industry Groups**

As soon as the UNFCCC process began, it captured the attention of a wide range of vital industries within Canada. In recent years, other sectors have entered the debate; however, 11 industries have been the most active since climate change came onto the agenda. These can be divided between the heavy polluters including automotive, mining, steel, chemicals, cement, fertilizer, pulp and paper, and oil and gas; and the low carbon industries: the insurance industry, timber, and the low carbon energy sector. By far the most active in the Canadian climate change debate was the oil and gas sector which has grown prodigiously in Canada since the 1990s. It was at this time that Canada's two largest sectors, the automotive industry in Ontario and the forest industries in Ontario, British Columbia, and Québec were overtaken as Canada's leading net exporters by crude and petroleum oils, predominately from Alberta (See Figures below). This realignment of wealth in the country from east to west increased both the regional divisions (discussed in Chapter 4) and the potential influence of the oil and gas sector on Canada's climate policy.

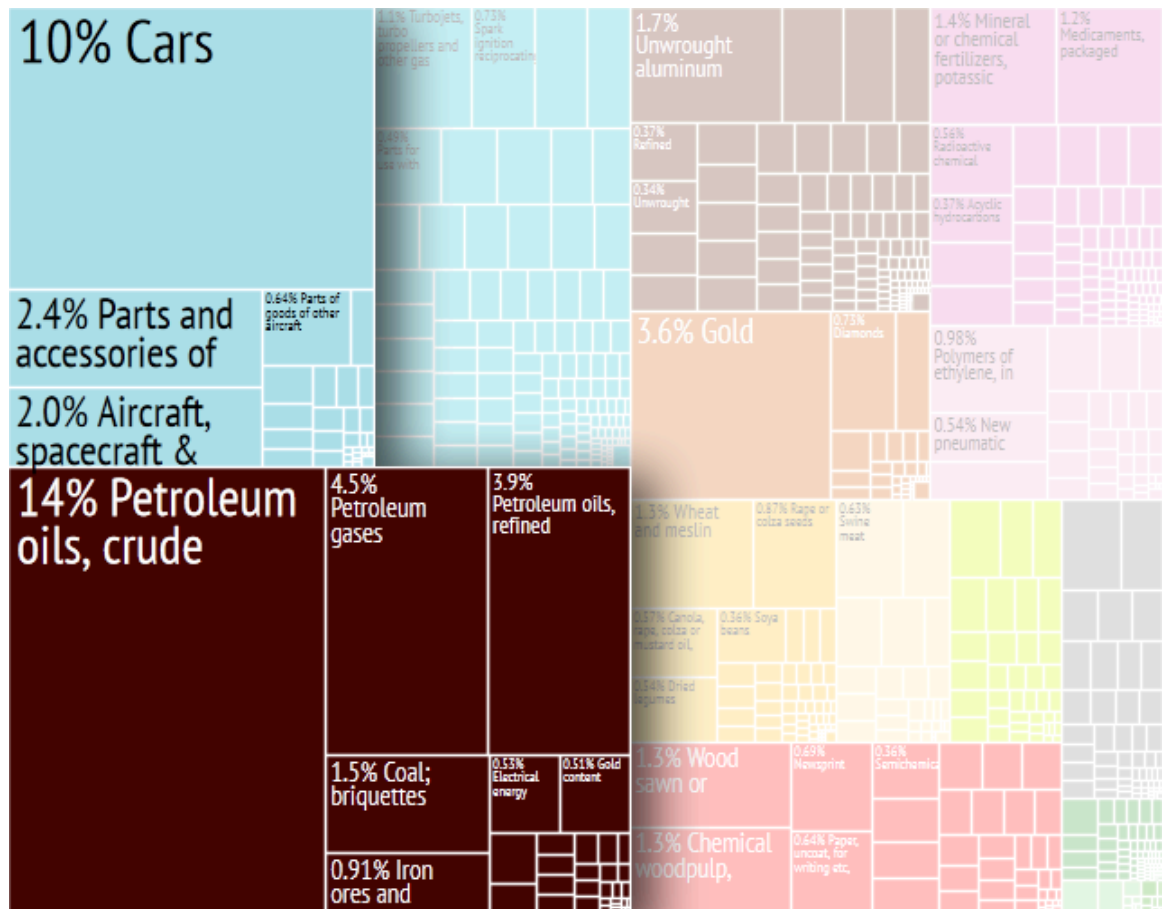
**Figure 10 Canadian Net Exports 1995**

(Source: MIT Observatory of Economic Complexity adapted by Melanson, 2013)



**Figure 11 Canadian Net Exports 2010**

(Source: MIT Observatory of Economic Complexity adapted by Melanson, 2013)



The position of each industry stakeholder can be viewed as the aggregate of each sector, the trade associations that represent them, and the position of individual corporations. Overall, the industry response to the Kyoto Protocol in Canada ranged from supportive or silent to vehemently opposed. It is easy to stereotype industry as dirty and naturally opposed to environmental regulation; especially in the case of Kyoto where a select opposition garnered the majority of attention in both the media and on Parliament Hill. These included major businesses such as Exxon's subsidiary Imperial Oil (Stevenson, 1999) and trade associations, most notably the Canadian Association of Petroleum Producers (CAPP)<sup>56</sup>, the Canadian Chamber of Commerce, the Canadian Manufacturers and Exporters Association (CME), and the Business Council on National

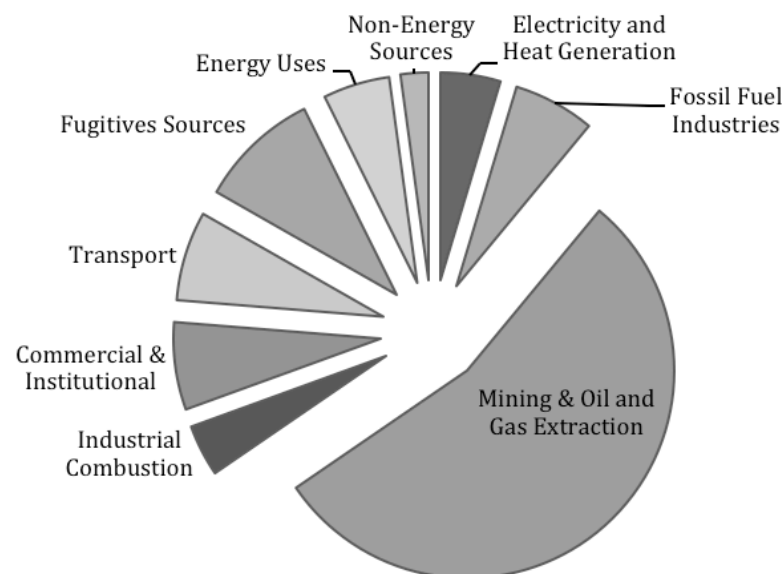
<sup>56</sup> Although the CAPP became increasingly moderate and nuanced in their position since some of their member corporations were relatively comfortable with Kyoto (Smit Personal Interview; Bramley Personal Interview).



Issues, which later became the Canadian Council of Chief Executives (CCCE), all of which undertook anti-Kyoto campaigns though many have since softened their position. Despite this vocal opposition, it is important to emphasise that they did not represent industry as a whole. The data do not demonstrate ‘virtually unanimous opposition’ to Kyoto as some scholars have suggested (Harrison, 2010, p. 172). As demonstrated by the *Carbon Disclosure Project*, which surveys hundreds of companies in the world about their views and actions on climate change and the Kyoto Protocol, there is no consensus within industry, even amongst the oil and gas sector (reflected again in Personal Interviews).

**Figure 12 GHG Emissions from Canadian Industries 1990-2008**

(Source: Environment Canada)



A number of major corporations such as Shell Canada, Petro-Canada, BP Canada, DuPont, United Technologies, Dow Chemicals, Alcan, and Sunoco were either quiet or cautiously supportive of Kyoto (Supported by Bramley Personal Interview). Many went so far as to take proactive steps and introduce voluntary emission reduction targets for their production (Jaffe, 1999), though none wanted to see a reduction in overall

consumption (Macdonald, 2001). For example, in 1998, BP introduced a voluntary target to reduce greenhouse gas emissions from their operations by 10% from 1990 levels by 2010. They reached this target with no net economic cost to BP (John Browne, CEO of BP, quoted by Harris, 2002). Many of these corporations most likely lobbied the government in private to delay or alter Canada's implementation strategy to secure more favourable terms; however, they did not publicly denounce the Protocol or the overall policy objective to reduce greenhouse gas emissions. The majority of the corporations who entered the climate change debate in Canada sought to work with the federal government, especially in the national consultation process and sectoral agreements (See Section 5.6 later in the chapter) rather than fight the basic policy objective. Nowadays almost all large corporations within high carbon industries have adopted voluntary policies to reduce greenhouse gas emissions in their production. This corresponds to long-established research on ecological modernisation (Christoff, 1996; Buttel, 2000) and the greening of business in the 1980s and 1990s: the rise of corporate social responsibility and spread of voluntary environmental initiatives by corporations (Dashwood, 2012; Gibson, 1999; Macdonald, 2001). Norms on sustainable development, public backlash and boycotts, court cases against polluters (especially from First Nations), reduced access to finance for environmentally risky projects, and a fundamental change in the relationship between corporations and regulators combined to change how corporations approach environmental issues in Canada. By the time global warming entered the public discourse in the late 1990s, many like BP and Sunoco were taking early steps to adopt voluntary targets to maintain public legitimacy and pre-empt more rigorous government regulations.

In addition to the high carbon industries, the other key stakeholders concerned by Canada's climate change policy included insurance, forestry, and low carbon energy. They were strong advocates for the Kyoto Protocol, seeing benefit in robust regulation to

reduce greenhouse gases. The insurance industry, in particular, had been active since the 1980s in adjusting their risk analysis of the impacts of climate change in line with that of the Intergovernmental Panel on Climate Change. The forestry sector (excluding pulp and paper which produces significant emissions) saw potential in Kyoto if it also carried credit for maintaining carbon sinks: trees and soil. Growing plantation forests can be a net sink in which to store CO<sub>2</sub> from the atmosphere. This side of the forestry sector actively encouraged the government's efforts to pursue credits from the UNFCCC for maintaining Canada's large forests.<sup>57</sup> The last group was the low carbon energy sector, which includes in order of importance: hydroelectricity, nuclear, natural gas, wind, biomass, geothermal, and solar. They all supported Kyoto if it afforded them an increased share of the energy market or otherwise helped their profit objectives (Bjorn et al., 2002, p. 90). In particular, hydropower is vital for the country, accounting for 59.1% of electricity generation in Canada and lighting over 90% of homes in Québec, British Columbia, Manitoba, Newfoundland, and the Yukon (official NRCan statistics for 2010). However, Canada is an energy exporting country and, despite the size of the hydropower sector in Canada, it only accounts for 2% of energy exports. The oil and gas sector brings in \$87.9 billion CAD (official NRCan statistics for 2010), trumping the \$2.1 billion CAD for hydroelectricity. Nuclear was another key stakeholder in the climate change debate, especially in Ontario, with the Canadian Nuclear Association running ads: 'Clean air is important to all of us, nuclear energy is helping to make it happen' (Winsor, 2002). Other renewable industries such as wind and solar account for an even smaller fraction of the energy mix, although they are now growing in importance. All these energy industries followed the Kyoto negotiations with interest and supported implementation at home. They may also have played a part in Ottawa's attempt to receive clean energy export

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<sup>57</sup> Canada pursued credit for both sinks and exporting low carbon natural gas to the United States which would have reduced her Kyoto commitment by roughly a third (60 million tonnes of GHGs) (Macdonald, 2001). Canada received some credit for her sinks but failed on clean energy exports.

credits.<sup>58</sup> That said, they did not match the high carbon energy producers in the amount of time and energy dedicated to the climate change file, or indeed in their influence.

Appreciating this diversity of views, industry's overall response to Kyoto can be summarised into four broad categories. First, there were those who, rightly or wrongly, did not believe Kyoto implementation impacted their industry in any substantial way. It took a long time for companies, and indeed the public, to appreciate the risk climate change posed to the production and distribution of goods; while others did not view the cost of compliance as onerous and thus did not dedicate resources to fighting Kyoto (Giberson, 2010). Second, were those such as forestry and hydro, who were supportive of Kyoto and believed they would benefit from implementation. They either saw profit in the transition to a low carbon economy or, in the case of insurance, were worried about increased risk, slow onset changes, and extreme weather events brought about by climate change. Third, there were those who were cautiously supportive or comfortable with Kyoto but sought recognition for early action (Bramley Personal Interview). For example, prior to ratification, the aluminium sector had reduced emissions between 50-85% through technology innovation and increased efficiency in the smelting process. Regulation and a carbon pricing system was not, in and of itself, detrimental since GHG emissions can also lead to high energy costs and over-voltage which can destabilise production (Van Houtte Personal Interview). Therefore, many viewed Kyoto implementation in efficiency terms. However, these groups did worry they would be expected to keep innovating at the same speed and would not be recognised for early action (Van Houtte Personal Interview). In fact, to many, Kyoto's baseline year was more alarming than the -6% target to reduce greenhouse gas emissions. This group wanted to work with, not against, the federal government. In fact, all three categories can be broadly

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<sup>58</sup> Clean energy exports which give some sort of credit for displacing dirtier energy. This was a failed strategy on the part of the Canadian government. As a former UNFCCC negotiator from Foreign Affairs Canada recalled, we had 'no support at all. You would be hard-pressed to find an issue where you do not have *any* support' (Ballhorn Personal Interview).

summarised as in line or close to the federal government's moderate policy ambition to ratify and implement Kyoto – motivating all to seek a course of adaptation rather than confrontation with the government (Macdonald, 2007). This is an important point because, despite their different views on the costs and benefits of Kyoto, their response was largely the same. It was the fourth and final group that received the most attention: those who feared that Kyoto and any subsequent carbon pricing policy would undermine their entire sector and profits, such as Imperial Oil and most of the trade associations closely related to oil and gas. In other polluting industries, for example mining, greenhouse gas emissions can be reduced by improvements in efficiency and typical pollution-control regulation. For the oil and gas sector, however, 'climate policy intends to reduce consumption of what, for the fossil fuel sector, a product in and of itself – the good they sell in the market' (Macdonald, 2001, p. 23). As such, oil and gas viewed the Kyoto Protocol as the 'most severe environmental policy threat' since the National Energy Program of the 1980s (Macdonald, 2001, p. 3). The development of Alberta's oil sands was especially contentious and still receives global attention.

The strongest opposition was concentrated in Alberta and Saskatchewan (as discussed in Chapter 4), where corporations and the large trade associations joined forces with the provincial government to fight Canada's participation in the Kyoto Protocol. Although the oil and gas sector is not exclusively isolated to the Prairies (e.g. New Brunswick and Newfoundland in the east), their geographical concentration increased their collective voice and encouraged coordination between the Premier of Alberta and the oil and gas sector to fight aggressively against Kyoto. For example, the Canadian Chamber of Commerce coordinated its message with the provincial government of Alberta, arguing that a more detailed national plan needed to be formulated. Moreover, the charged atmosphere in Alberta dissuaded some companies like Shell International and BP International from making public statements in support of the Protocol even though

they had adopted voluntary GHG targets, for fear of alienating the very government who regulated their sector (Bramley Personal Interview). Those that strongly opposed Kyoto joined with Alberta's Premier, Hon. Ralph Klein, and other key players, such as the Fraser Institute and Conrad Black (founder of *The National Post*), to provide a united, albeit superficial, opposition (Hengeveld Personal Interview; Bramley Personal Interview).

All of these organised interest groups had a number of potential channels in which to exercise influence over federal climate change policy. In the sections that follow, I consider four principal mechanisms for influence: campaign finance, agenda-setting, investment, and their close working relationships with key Ministries.

### **5.3 Campaign Finance**

The first and most obvious way interest groups can influence democratic governments is through the electoral process, and in particular through the provision of financial support for favoured candidates or negative advertising against opponents. The power to buy influence arises from the fact that most political parties need to raise enormous sums of money for election or re-election, potentially making it a powerful channel of influence. The influence of campaign finance on environmental policy in the United States is a popular topic in the press (McKnight, 2014; *The New York Times*, 2014), especially following the US Supreme Court decisions in *Citizens United v. Federal Election Commission* (2010) and *McCutcheon v. Federal Election Commission* (2014), which deregulated campaign finance under the First Amendment, freedom of speech. In Canada, however, this channel of influence is limited by the country's stricter rules on campaign finance, and the fact that campaign contributions have never been connected to free speech (Boatright, 2011).

In 1974, Canada passed the Election Expenses Act, which applied restrictions on private contributions to parties and MPs and also mandated free and equal broadcasting time to all parties. It attempted to cut the purse strings between powerful interest groups and political parties, ‘thereby ensuring that no one candidate dominates due to wealth’ (Marleau and Camille Montpetit, 2009). In addition, ‘only the candidate and the candidate’s official agent may pay the candidate’s personal expenses’ (Marleau and Camille Montpetit, 2009) and no interest groups can independently campaign on their behalf. Most importantly, Canadian law sets expenditure limits during federal elections for each political party based on the number of ridings they have a candidate in. ‘Unlike the United States, which limits the amounts individuals and groups can contribute to election campaigns, the historical Canadian approach was to limit the amounts that candidates and parties can spend’ (Heard, 2011).

Campaign finance was reformed in 2003, under Prime Minister Jean Chrétien, with the Canada Elections Act (Bill C-24). The new Act disallowed direct donations from non-Canadians and all corporations, trade associations, and labour unions. This was amended in 2004, making corporations and trade associations able to donate a maximum of \$1,000 CAD per year; however, in 2006 they were disallowed again under the Federal Accountability Act (Bill C-2). There is scope for interest groups to advertise on behalf of a party or candidate (after the Supreme Court Case, *Harper v. Canada* in 2004); however, this is capped at \$150,000 CAD for each election period. Overall, Canadian political parties rely much more on public funds than in many other democracies, including the United States and United Kingdom.<sup>59</sup> Most importantly, the expenditure limits are the same for each of the national parties. For example, in the 2004 federal election, the limit for all national political parties of Canada (NDP, Liberal, Conservative, and Green

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<sup>59</sup> Although this is set to diminish since the Conservative Harper government is phasing out the per-vote subsidy which is one of the main public contributions to Canadian political parties.

Party<sup>60</sup>) was at \$17,593,925.32 CAD; and in 2008 their limit was \$19,999,230.62 CAD (Elections Canada).

In addition, Canadian elections do not appear at set intervals – they are called at the discretion of the government up to a maximum of five years or when the government loses a vote of non-confidence (as seen in 2011). ‘The fact that [Canadian] elections have not occurred on a fixed calendar has [...] important consequences for interest groups’ (Boatright, 2011, p. 36). Canadian interest groups cannot work towards set election cycles unlike in the United States, where large armies of consultants are hired to work towards policy goals with clear timelines. Canadian elections are also generally called during favourable times for the majority party (unless it is forced through a vote of non-confidence), meaning that contentious issues may not feature at the moment an election is called (Boatright, 2011). Moreover, Canadian parties observe much greater party discipline than is the case in other countries such as the United States (as mentioned in Chapter 4). This further limits the scope to influence parties between elections by lobbying or discrediting specific MPs on key Parliamentary votes, with the exception of when a rare “free vote” is called.

Overall, the scope for interest groups to buy votes or lobby individual MPs is limited. Indeed Canada’s laws governing campaign finance are largely praised for their egalitarian model. As a result interest groups steer ‘away from electoral politics’ and ‘seek to work with the cabinet or the bureaucracy’, as we will see later in the chapter (Boatright, 2011, p. 37).

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<sup>60</sup> The Green Party of Canada became entitled to federal funding when it received 4.32% of the 2004 popular vote (above the required 1% for eligibility).



## 5.4 Agenda-Setting

In the story of climate change, there is little doubt that it was first framed by green groups and the scientific community (Haas, 2000), to which prominent Canadians played an integral part. As one climate scientist and member of Canada's delegation at the original 1979 Conference in Austria observed, Canada's early delegations were driven by Environment Canada and the country's scientific community (anonymous Personal Interview).<sup>61</sup> The first IPCC report also played an important role in galvanising national positions and building momentum for the early negotiations. The combative politics had not yet taken hold, nor had the counter-current of climate denialism which now features in many countries, including the United States. This section will discuss how organised interest groups vied to dominate the climate change agenda within Canada, focusing on those that played the most active role with public campaigns and direct lobbying.

In the 1990s when the UNFCCC process was created and discussions turned to targets and emissions reductions, ENGOs and the scientific community campaigned for Canada's early participation. They helped lay the foundations for climate change to be framed as an environmental issue as opposed to an issue of human rights, poverty, or security. The prospect of legally binding commitments immediately alarmed some corporations and industry associations who feared strict carbon pricing policies. Opposition within industry also attached itself to concerned provinces, especially Alberta. These groups funded reports or launched media campaigns which questioned the science of climate change: whether it was indeed taking place or caused by human activity (Smith, 2000; Toner, 2002). To illustrate, Guy Crittenden, former Editor-in-Chief of the Canadian trade publications *Hazardous Materials Management* and *Solid Waste &*

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<sup>61</sup> Starting in 1991, 'economic experts replaced senior atmospheric scientists and forestry experts on Canadian delegations' (Russell and Toner, 1998, p. 6). Even within Environment Canada, the teams responsible for the UNFCCC negotiations evolved where climate scientists were replaced by economists and international affairs specialists (Bernstein, 2002, p. 220; Supported by anonymous Personal Interview with former member of Canadian UNFCCC delegation).

*Recycling*, wrote an editorial in *The Globe and Mail*'s Science Fiction section entitled 'The Day the Earth Warmed Up' (Crittenden, 1997). It was a lengthy editorial piece which attempted to dismantle the Kyoto Protocol and climate change science, incorrectly stating '[o]ver the past decade, the Earth's average temperature has increased by zero. Nothing. Nada. In fact, there's evidence that it has actually cooled a bit'. Industry opposition also founded the Canadian Coalition of Responsible Environmental Solutions (CCRES) in 2002, which organised news conferences and media ads against Kyoto. Opinion pieces appeared in national and local newspapers, as did reports from the Fraser Institute and magazines such as *Willie Soon* and *Climate Research* magazine which were fabricated specifically to publish pro-industry positions. Key individuals also played a role (Bennett, 2002). As Steven Bernstein, an academic who has written extensively on Canadian climate change politics, observed, 'there was an attempt under Conrad Black [and his national newspaper *The National Post*] to try to pull the Canadian public to the US position' (Personal Interview). For example, headlines in *The National Post* stated: 'Antarctic ice sheet has stopped melting, study finds' (quoted in Davidson, 2002) and 'The sky was supposed to fall' (*The National Post*, 2000).

However, this public campaign against the science of climate change never carried the same weight amongst Canada's political elite or public as it did in other countries, with 70% of Canadians in 1997 believing climate change was real and a problem (Anderson Personal Interview). That number would rise to roughly 73-80% supportive of ratification (Anderson Personal Interview; Angus Reid National Poll, 8 November, 2002; Supported by Harrison, 2010); no doubt enhanced by awareness-raising campaigns by the federal government and ENGOs. In fact, almost as many people, 71%, said 'even if there are some problems with the Kyoto Protocol, it should be implemented because it is a good first step' (Angus Reid National Poll, 2002). Each year the language against Kyoto

and attempts to debunk climate change became less frequent and inflammatory.<sup>62</sup> As explained by Glen Toner (2002),

‘Despite efforts by some industry groups and their allies in the business press and the right-wing Reform Party to cast doubt on the science, there is really no longer any serious dispute on that front. The real conflict has already moved to the debate over the policy instruments required to reduce emissions.’

Although Canada is home to climate sceptics, including journalists who likened climate change to an ‘environmental myth’ (*The Globe and Mail* quoted by Smith, 2000), climate scepticism never took root in the country as it did in others.

There are several possible reasons why the climate sceptics and industry opposition failed to shift the agenda in Canada about the ‘reality’ of climate change as a problem. The first was because they lacked legitimacy and tailored their message in opposition to Canadian norms of environmentalism, thus lacked ideological influence over the public and Liberal government of the time. This is in contrast to the United States, where there is greater scepticism towards the scientific community and UN (Kathryn Harrison, 2002, p. 6). Although the Canadian public did not demonstrate an in-depth knowledge of climate science, and in fact often confused it with other environmental issues, polls revealed they were willing to trust the UNFCCC process and climate scientists.

Second, there are different types of media cultures between countries like Canada and the United States (Stoddart and Tindall, 2013; Boykoff, 2011, 2007; Anderson, 2009). ‘Analyses of American media coverage have often focused on how journalistic norms of providing space for opposing positions has resulted in coverage for climate skeptics[sic] disproportionate to their prevalence’ (Stoddart and Tindall, 2013, p. 7). In fact, comparative research on media framing suggests that climate sceptics are given

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<sup>62</sup> Although one can still find public statements questioning the science of climate change, most notably from Prime Minister Harper, who referred to ‘so-called greenhouse gases’ during the Christmas Speech in 2006 (CanEnviroPol, 2006). Another example which appeared in mainstream media included *The Globe and Mail* article, “Why the IPCC climate change report is flawed” (Farnell, 2013).

more coverage in the United States than in other countries (See Stoddart and Tindall, 2013). This is also supported by Anthony Downs' analysis of the 'issue-attention cycle' in American media (1972). In Canada, there is less space for climate sceptics because news outlets do not attempt to 'create an "aura of neutrality" by balancing voices representing the scientific consensus with skeptic[sic] voices' (Young and Dugas, 2011, p. 10).<sup>63</sup>

Thus, industry opposition changed strategies and redirected its focus away from questioning the science to raising questions about the Kyoto agreement itself. For example, the CAPP warned of 'economic suicide' if Canada signed Kyoto (White Personal Interview). This was echoed by full-page ads, such as the Coal Alliance's ad in *The Globe and Mail* likening Kyoto to "seppuku", Japanese ritual suicide (Smith, 2000). Kyoto was both demonised as euro-centric and favouring European economic interests or as a UN scheme to penalise OECD countries and bolster developing countries (White Personal Interview). 'Those who were against Kyoto made it seem like there was an evil, international institution that was being pushed on Canada' (Bernstein Personal Interview). As Michael Murphy, former Executive Vice-President of Policy at the Canadian Chamber of Commerce, explained, '[i]t was a very euro-favoured agreement. 1990 was no accident – it was picked. 1990 pre-dated the unification of Germany and it pre-dated taking coal out of the economy [...] so for Europe, it was a perfect target year' (Personal Interview). The CAPP and Canadian Coalition of Responsible Environmental Solutions (CCRES) did not refute the existence of climate change itself, but argued Kyoto was simply the wrong solution to the problem. Canada's largest PR firm, National Public Relations, was hired at one stage with \$225,000 CAD a week being spent on a public media campaign proposing a "Made in Canada" solution (Cormier, 2006). The federal government responded by rebranding their climate change plan as "Made in Canada", which was

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<sup>63</sup> Although American media still carries some influence in Canada since it is readily watched on cable television.

cleverly adapted from the anti-Kyoto camp. As Michael Murphy quipped ‘and now the government has come up with its “Made in Canada” plan and title, well that was our phrase in 2002’ (Personal Interview). Originally, some members of government were against adopting such a title because Kyoto is an international agreement and well-received by the public, but it proved strategic in the end and, in some ways, combined the best of both worlds: an international agreement with a “Made in Canada” solution.

However, the overall attack on Kyoto as a flawed agreement did not succeed in shifting public opinion or the government’s policy objective for ratification. Industry attacks on the Protocol were countered effectively by ENGOs who charged them ‘for sponsoring what they saw as a deceptive and self-serving media scare campaign’ (Schneider, 2009, p. 156). Although ENGOs were out-gunned financially, their strong reputation ‘allowed them to punch above their weight’ (Harrison, 2010, p. 172). Their messaging was echoed by the federal government, who also condemned the credibility of industry opposition. In a speech Prime Minister Chrétien compared such groups to the tobacco industry and their allies who for decades denied that smoking causes lung cancer (Speech November, 2002). ENGOs also sponsored awareness-raising campaigns on the science and impacts of climate change; drawing parallels with important issues like the decline of Atlantic cod which crippled eastern communities and whose lessons supported international action (*Quirks and Quarks* CBC Radio Program quoted in Smit Personal Interview). Both the Federation of Canadian Municipalities and ENGOs as well as the federal government (especially Minister of Environment, Hon. David Anderson, who specifically went on a speaking tour of Canadian cities in 2002) tailored their message along Canadian norms of environmentalism and multilateralism; whereas industry’s attacks relied on misinformation and the public’s lack of deep knowledge on climate change and regulation. They muddied the waters but were unsuccessful in changing the overall public mood against Kyoto.

It should also be mentioned that ENGOs were not always successful themselves in influencing Canada's climate agenda. Between 1998 and 2006, when the finer points of the Kyoto Protocol were being negotiated, the federal government sought unpopular credit for nuclear power and natural gas and for protecting carbon sinks (forests). ENGOs attempted to shame the Canadian government when they appeared to put economic interests over the environment. One theatrical approach, which garnered much media attention during the UNFCCC negotiations, was the Fossil-of-the-Day awards sponsored by Friends of the Earth, Climate Action Network Canada, and other organisations.

**Figure 13 Canada Takes Third Place in Fossil-of-the-Day Awards, 2010**

(Source: Climate Action Network, 2010)



They are awarded daily during the COPs for the three biggest laggards in the negotiations. They certainly created a fanfare at the meetings and Canada has received numerous Fossil-of-the-Day awards since the tradition first began. However, they did not always have the desired effect on the Canadian delegation. While the Prime Minister and

MPs are deeply concerned about public opinion and media scorn, delegates themselves such as a former negotiator at Foreign Affairs Canada viewed them as a 'badge of honour' (anonymous Personal Interview). As he said, 'I think delegations care a bit about fossil-of-the-day [...] but if the process of selecting is not very rigorous or balanced then [...] it is the badge of political correctness' (Personal Interview). Cabinet dictates negotiation mandates from a broad perspective, then the diplomats and career negotiators fight to preserve manoeuvrability above all else, even if that means obstructing negotiations. Many from the green community or labour movement argue that Canada's negotiation position revealed a disproportionate influence on the part of industry. However, as one of Canada's former negotiators explained, it boiled down more to manoeuvrability, to 'make sure the government could do as much as it wanted [and retain as many] tools to work on its own implementation plan' (Ballhorn Personal Interview).

Industry opposition to Kyoto was countered effectively by the federal government and other organised interest groups working in concert. In fact some suffered a fair degree of backlash for their strong anti-Kyoto attacks. It did not matter how many resources were dedicated, their message did not carry long-term. As Hon. David Anderson recalled during the public campaigns in Alberta leading up to ratification,

'Klein and the industry paid a lot of money advertising and they managed to drop the figures in Alberta from 73% support for ratification, down to about 43%. Once they stopped spending the money it started going back up again. They drove it down but it was not permanently down' (Personal Interview).

By the time of Chrétien's announcement of ratification in 2002, 95% of Albertan households said they would be willing to pay something to implement Kyoto (Angus Reid National Poll, June 6, 2002). The same tactic was used during the National Energy Program of the 1980s, where large sums were spent to dissuade the Albertan public. For Kyoto, they could not keep the polls down, assisted by the federal government's message

which was simple and on point: climate change is a problem and Kyoto is the right thing to do. As explained by Hon. David Anderson,

‘The provinces were faced with this impossible situation, because the public was against *them*. Premiers do not like being in a situation where they are in the minority and the federal government has the support of their provincial population. So the opposition would have been very, very different had there not been that public support. And as it turned out, it ultimately petered out’ (Personal Interview).

By October, 2002, Hon. Ralph Klein gave up the national advertising campaign against Kyoto following focus group feedback who warned ‘that the campaign would be seen as self-serving propaganda’ (CBC News, 2002). Industry also followed suit, adapting their message to fear of capital strike (or capital flight) and job loss.

## **5.5 Investment and Capital Strike**

Interest groups can also influence government by threatening job loss and investment/capital strike. If government policy brings about unemployment and a decline in prosperity, it is not business executives but government officials who are consequently retired from office (Lindblom, 1982). As a result, governments are ‘instinctively fearful of upsetting business interests’ and seek to maintain business confidence (Mitchell, 1997, p. 5). Although the degree to which this impacts on government officials also depends on their own economic assessment, officials are vulnerable to both implicit and explicit threats of capital strike. This section will explore the explicit threat of lost investment and jobs in the context of Kyoto ratification. At the time, the organised anti-Kyoto lobby dedicated significant time and capital to prevent ratification so it is an ideal example to assess this form of influence.

In 2002, a coalition of business associations, including the Canadian Council of Chief Executives, the Canadian Federation of Independent Business, the Canadian



Manufacturers and Exporters, and the Canadian Chamber of Commerce, sent a joint letter to the Prime Minister expressing concern about the potential economic impact of a ‘hasty decision’ to ratify for ‘Canada’s economy and standard of living’ (*The National Post* quoted in Harrison, 2007). The trade associations all quoted economic costs for compliance in the order of \$40 – \$50 billion CAD and warned of an exodus of jobs and capital. The Canadian Manufacturers and Exporters (CME) published, “Pain without Gain”, citing 450,000 lost jobs (2002). Alberta’s Premier, Hon. Ralph Klein, even quoted a trillion dollar loss at one stage (Anderson Personal Interview). As stated by one financial analyst, Diane Francis, ‘in order to meet the emissions cuts by 2010, one-third of our economy would have to be shut down or, alternatively, all our thermal power plants would have to be converted to nuclear plants at enormous cost’ (1999). Many interviewees including John Stone and Hon. David Anderson from Environment Canada argued that industry knew it was exaggerating the costs of compliance. Their goal was to prevent ratification, or at the very least, to garner more concessions from the government.

The threat of job losses and disinvestment also fuelled the regional division of winners and losers in Canada. As is often described, ‘[r]egionalism is one of the accepted facts of Canadian political life’ (Henderson, 2004, p. 595). As seen in Chapter 4, Canada’s 13 provinces and territories have diverse social and economic profiles. The threat of capital strike created a challenge for the federal government to formulate common national policy as the provinces worried about protecting their economic interests.<sup>64</sup> These disparities place fiscal equalisation (or sharing) high on Ottawa’s agenda (Simeon and Turgeon, 2006). For example, the Kyoto Protocol was viewed as an easy ride for the hydropower province of Québec. Alberta argued it was being unfairly penalised; and to a lesser extent Ontario with its manufacturing sector. Other interest groups such as ENGOs and FCM countered by emphasising the costs of inaction. The

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<sup>64</sup> This same argument was used at the provincial level for threatening investment loss between the provinces as much as a competitive disadvantage between countries.

Yukon, Northwest Territories, and Nunavut are particularly vulnerable to climate change and the loss of livelihood. The municipalities also worried about the cost of inaction (as explained in Section 5.2.3) which filtered up to the provinces over time.

Concerns about competitiveness and disinvestment gained greater currency when the United States formally withdrew from the Kyoto Protocol in March, 2001 (Babiker et al., 2002, p. 195) and reached a climax in the lead up to ratification between June and December, 2002. The concerns over a comparative disadvantage with the United States alarmed many within Canada. As Michael Murphy, former Executive Vice-President of Policy at the Canadian Chamber of Commerce, explained, ‘the number one issue for us was competitiveness: Canada has taken on a target [and] the Americans, with whom we do 85% of our trade and other countries have no such targets’ (Personal Interview; Supported by Simpson, 2004). The trade associations stressed competitive disadvantage, which would ‘drive investment to other countries’ (CAPP et al., 2002; Hearn, 2002). However, this argument was tempered over time when some American states introduced their own targets to reduce GHG emissions, and a cross-border agreement was established in 2001 between the New England States and the eastern provinces (the NEG-ECP Climate Change Action Plan) to reduce greenhouse gas emissions to the 1990 baseline by 2010, and to -10% by 2020. This was followed by the 2003 agreement to establish a cap-and-trade system between the US eastern states and New Brunswick, Ontario, and Québec. In 2007, the Midwest Governors' Accord, the Midwestern Greenhouse Gas Reduction Accord, and the Western Climate Initiative also provided promise that US states were pursuing a policy to reduce emissions. Although none of these initiatives were hugely successful, they did minimise the impression that Canada was acting alone. As John Stone of Environment Canada explained, ‘the only place in the US that [was] not moving along [was] the White House’ (Personal Interview); which mitigates the argument of competitive disadvantage. However, the US withdrawal from Kyoto also

allowed Chrétien to distinguish Canada from the United States (See Chapter 3). Although competitive disadvantage was a serious concern for many within government, it did not trump international reputation.

It was clear that the federal government under Chrétien was going to continue the policy course towards implementation, even if the country was 11% from her Kyoto target by 2002. Natural Resources Canada and other departments expressed concern about the economic costs of implementation; however, the Prime Minister did not appear to share their pessimism. The climate change file moved from NRCan to the Prime Minister's office where they introduced a new plan that year to make up the country's "Kyoto deficit". Ottawa published her own economic assessments which showed minimal impact on the Canadian economy. For example, the government models cited a maximum impact of 0.5% of GDP related to future growth. 'In other words, it is related to a 19.5% growth rate in the next eight or nine years as opposed to a 20% growth rate' (Anderson Personal Interview). The letter to the CAPP described in the beginning of this chapter was also designed to relieve concerns over capital strike and job loss. The Prime Minister's Office was given a mandate from the Prime Minister to 'shut up the oil industry' (Keith Stewart quoted in Macdonald, 2001). 'Chrétien himself drew up a letter to the Canadian Association of Petroleum Producers' outlining eight policy principles that would guide implementation and relieve some of industry's concerns including: a) the promise that emission targets for new projects would be based on those for existing facilities that use similar technology; b) emission targets for new plants would be locked in for up to 10 years to provide more economic certainty; c) research and development of carbon dioxide reduction technologies and favorable tax credits for reducing emissions; and most importantly, d) capping of the amount of carbon reductions to 15%, meaning industry's target would only be 15% below business-as-usual by 2010 (Reuters, 2003).

In the years that followed, industry won major concessions with sector targets, a switch to intensity targets versus absolute targets, and a maximum price on carbon (Supported by Macdonald, 2008). They changed the metrics but failed in their overall objective against ratification or carbon pricing. The federal government demonstrated a strong desire to work with business (as seen in the NRTEE process and Memorandum of Understanding (MoU) negotiated between NRCan and industry sectors). However, they were also publicly willing to fight the inflammatory arguments by industry and ‘tough it out’ to wait for such economic arguments to dwindle with time (Anderson Personal Interview). As former leader of the Liberal Party, Hon. Stéphane Dion, and former Head of Environment Canada, Hon. David Anderson, explained, a consultative approach is important but it cannot simply become a race to the lowest common denominator (Personal Interviews).

Another reason the threat of disinvestment and job loss did not change the national policy direction was due to the labour unions successfully countering public claims from business of economic suicide. For example, the Canadian Auto Workers Union unanimously voted to support Kyoto just ahead of ratification in 2002 (Autos.ca, 2002). Even the Communications, Energy and Paperworkers Union of Canada (CEP), who were the largest union representing workers in oil and gas, pulp and paper, and other heavy emission industries supported the Kyoto Protocol early on. As explained by Brian Kohler,

‘Some of the industry in Canada tried to play the economic blackmail card and, of course, they always make reference to jobs when they do that because it sounds so much better than profits. Well, we made them look ridiculous [since] the largest union in the energy field says Canada should sign this. I think we effectively silenced them, or cut down their influence significantly’ (Personal Interview).

In fact, the unions boycotted some consultation meetings when they felt corporate interests were too strong and aggressive. In the end, support from labour reinforced Ottawa's position that Canada could afford Kyoto.

The threat of capital strike did not prevent ratification; and in some ways, the strategy also backfired for industry (Ogilvie Personal Interview; Belfry, 2010). The trade associations who had predicted near bankruptcy if Canada ratified the Kyoto Protocol now faced concerns from their investors if such economic predictions proved to be true. While elected officials are mindful of economic voting (on the prominence of economic issues during elections and therefore business confidence, see Mitchell, 1997); so too are corporations attentive to the ideological preferences of shareholders and investor confidence. The *Vancouver Sun* reported that, 'capital markets are abandoning companies in the industry because of confusion about the Kyoto Protocol's implications for them' (quoted in Simpson, 2004, p. 57). Kaija Belfry explained that institutional investors whose funding was required for the Alberta oil sands projects insisted industry negotiated with the government to create greater certainty on their returns (2010). 'The multibillion-dollar facilities required considerable external funding from [such] investors who were at the time refusing to provide capital without greater certainty over the future price of carbon' (Confidential interview with government official in Belfry, 2010, p. 12). The \$3.5 billion CAD True North oil sands project in Forest Hill, Alberta was abandoned that year partly because of concern regarding the future price on carbon (CBC, 2003; Merolli, 2003). 'Other projects threatened to follow suit [and] the government of Alberta, was understandably livid' (Confidential interview with government official in Belfry, 2010, p. 12). Within months, the CAPP negotiated the \$15 deal, announced straight after the House of Commons ratified the Kyoto Protocol.

Although the federal government's new 2002 climate change plan was a cautious approach to carbon pricing; it represented a departure from the voluntary initiatives which

had characterised federal policy up until that point. Industry had to reverse its position and accept both ratification and a price of carbon, albeit a low one, as well as downplaying the costs of implementation afterwards in a bid to relieve fears from both institutional investors and shareholders. As observed by Richard Ballhorn from Foreign Affairs Canada, ‘there is a whole history of business resisting environmental regulations for fear they could not make the changes – and then doing it for less’ afterwards (Personal Interview).<sup>65</sup> As summarised by Murphy from the Canadian Association of Petroleum Producers, ‘it is no secret we fought pretty hard to forestall ratification. [It was] our main piece of work till 2002. But [Canada] went ahead and ratified it. Not sure how good a job we did’ (Personal Interview).

## **5.6 Interests and Designing Canada’s Climate Change Policy**

Up until this point, the analysis has concentrated on how organised interest groups work to define the agenda and directly lobby government; but there is another more implicit form of influence: helping to design the very government policy they hope to influence. This is a challenging area to investigate and disentangle. It relies heavily on inside knowledge gathered through interviews, since official reports only show the final product, not the policy process itself. That said, it is a vital area of study since Canadian governments across all levels rely on the expertise of interest groups when formulating government policy, especially following periods of federal and provincial downsizing (See Chapter 4 Section 4.4.1). Organised interest groups are often invited to help design policy through formal consultations and consultancies or informal, professional working relationships. As Samson explained, Canada’s decentralised national policy system ‘necessitates’ stakeholder participation on top of coordination from all levels of

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<sup>65</sup> A similar reversal was seen after the Montreal Protocol, where industry cited huge economic costs and then transitioned with relatively low compliance cost.

government (2001, p. 199). It is also a focal point for disagreement between pluralist and business dominance theories since it hinges on the degree to which interest groups can shape the ideas of elected and unelected government officials (Mitchell, 1997). It is a channel of influence which is usually characterised by cooperative, rather than adversarial relationships between organised interest groups and government (Montpetit, 2009). Over time, as interest groups work closely with government departments, each relying on the other, interest groups can influence bureaucratic policy and culture. All the stakeholders outlined in this chapter lent the government their time and experience for the UNFCCC negotiations, NRTEE process, and in domestic policy formation, leading one to ask how and to what extent did this close relationship shape federal policy towards Kyoto's implementation. This final section will examine how this channel of influence may have shaped the actions of the federal government, introducing ideas on epistemic communities, business dominance theory, and organisational behaviour. It discusses industry's move from obstruction to adaptation, and especially their close relationship with Natural Resources Canada, and the consequences thereafter.

The first time industry publicly accepted a price on carbon was with the agreement between CAPP, NRCan, and the Prime Minister's deputy in the autumn of 2002. Although they retreated slightly from this position soon afterwards (Belfry, 2010), from then on there was slow but steady acceptance from industry of carbon pricing policies as they moved into a lengthy period of consultation with the government in the next phase of Canadian climate change policy. Today, all Canadian trade associations publicly accept a carbon price, even though the Conservative government has appeared to abandon this position. The oil and gas sector showed a renewed eagerness to work with the federal and provincial governments that continues to the present day. In particular, the provinces quickened the pace of their climate change policy formulation once Kyoto's

ratification was secured, which also led to greater collaboration with organised interest groups at the provincial level.

After ratification, the Prime Minister's office stepped back, leaving Natural Resources Canada again in charge of the domestic policy formation. Both the federal *Discussion Paper* (May, 2002) and the *Climate Change Plan for Canada* (November, 2002) showed a policy change whereby 'companies would be allocated emission permits and required to hold a permit for each tonne of GHGs they emit'. Up until that point federal and provincial plans did not discuss how the total reduction effort and cost would be distributed amongst geographic regions and sectors or whether they would use coercive policy instruments such as tax or law (Macdonald, 2001). The new policy direction in 2002 laid the foundation for the Large Final Emitters (LFEs) Program in 2005. The LFEs Program was, in essence, a cap-and-trade programme which started with the high carbon industries to be rolled out over many years. Between 2003 and 2004, NRCan undertook a lengthy process of negotiation with industry to establish the principles of the future trading system and a memorandum of understanding with the Forest Products Association, DuPont Chemicals, and the International Emissions Trading Association. However, 'no policy ever made it past the proposal stage during this time' (Belfry, 2001, p. 6). In 2005, the new Minister of Environment, Hon. Stéphane Dion, successfully pushed to have the domestic climate change file moved to Environment Canada. In fact, 'the battle to get the plan was a hard fought one [but] Environment Canada won out' (Ballhorn Personal Interview). Traditionally, climate change was split between EC and NRCan, with the former in charge of the international negotiations (in coordination with Foreign Affairs Canada) and the latter solely responsible for domestic implementation.<sup>66</sup> When the file was moved over to EC, industry was left guessing. Those

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<sup>66</sup> Confusion over the climate change file went back to 1997. Natural Resources Canada and Environment Canada fought 'who did what to who'. This was part of the reason the Climate Change Secretariat was created to mediate this division (McBean Personal Interview).



that signed MoU agreements with NRCan wondered if they would still be honoured by Environment Canada (Personal Interviews with industry stakeholders). Under the helm of Environment Canada, carbon dioxide was added as a toxic substance to the *Canadian Environmental Protection Act*, paving the way for the future carbon pricing scheme. Environment Canada issued a notice for the LFE Program which included intensity targets, emissions trading, and a technology fund for partial compliance (Belfry, 2010). The programme was announced in 2005 and was scheduled to begin the following year. However, it was never actualised as the Liberal Party lost power in early 2006 and the newly elected Conservative Party dismissed the programme in the first year in office.

The division of Canada's national climate change policy between Natural Resources Canada and Environment Canada, along with the transfer between the two, created practical difficulties in policy formulation since Environment Canada had greater expertise in science and NRCan in energy and economics. As discussed in the previous chapter, the federal government did not demonstrate strong capacity in policy formulation after a long period of government downsizing. However, the division of the climate file between NRCan and EC also created an unintended consequence unrelated strictly to the capacity of government, by pitting the two departments against one another. This is because each department represents different clientele (Ballhorn Personal Interview; Bennett Personal Interview; White Personal Interview; Bernstein, 2003, p. 92). Environment Canada had stronger ties with the scientific community and environmental groups, a point emphasised by notably "green" Ministers such as Hon. David Anderson and Hon. Stéphane Dion; whereas Natural Resources Canada had a closer relationship with industry and labour groups with Ministers such as Hon. Ralph Goodale and Hon. Herb Dhaliwal, who were critical of the Kyoto Protocol.<sup>67</sup> In fact, the Natural Resources

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<sup>67</sup> After COP3, Hon. Ralph Goodale spoke of resignation, although he would never act upon the threat (Simpson et al., 2007, p. 33). Hon. Herb Dhaliwal was recorded to be against Kyoto's ratification in 2002 (Bramley Personal Interview).

Minister was described as Chrétien's 'Alberta lieutenant and worked to protect the associated interests of that province and the oil industry' (Macdonald, 2008, p. 225). This was compounded when other Ministries were called upon – each bringing their own expertise, bureaucratic culture, and interest base which were sometimes in opposition with Kyoto's implementation. As explained by Allison and Zelikow, '[s]eparate responsibilities laid on the shoulders of distinct individuals [and departments] encourages differences in what each sees and judges to be important' (1999, p. 256).

These differences in bureaucratic clientele and departmental responsibilities were often at odds with one another. The fighting between NRCan and EC is well-documented in the press and in interviews. One unnamed scientist within EC spoke of how personnel do not readily change Ministries in their careers, and if they do, may not be able to integrate successfully. Government officials become 'branded' as either EC or NRCan (Personal Interviews). Members of both the Conservative and Liberal parties interviewed for this research described this conflict between the Ministries as a major obstacle for climate change policy. Former Minister of Environment, Hon. Stéphane Dion, went further to say that if he had won the election he would have done away with the old dichotomy and 'games' between the Ministries; especially between the Ministries of Finance, EC, and NRCan. They would have had 'to work together for once' (Dion Personal Interview). Another former Minister under the Conservative government unequivocally admitted that the greatest obstacle to climate change policy in Canada was the Ministries themselves (anonymous Personal Interview). This is confirmed by Glen Toner who explained 'the federal government is often at war with itself interdepartmentally on major sustainable development issues' (2002). The Commissioner of the Environment and Sustainable Development (CESD) also identified 'the lack of horizontal coordination and integration across federal departments as one of the major

constraints hobbling the federal government's performance' (CESD, 1997 in Toner, 2002, p. 72).

This rift between the Ministries, and especially NRCan and EC, can be traced to their difficult bureaucratic cultures and competing interest bases. As mentioned, NRCan has stronger ties with industry groups and many industry programmes, such as the *Canadian Industry Program for Energy Conservation* (CIPEC), which are run out of the NRCan offices in Alberta (Murphy Personal Interview). As former UNFCCC negotiator, Richard Ballhorn, explained, 'NRCan was defending their clientele which tends to be the energy sector'; and 'they seem to really have lost interest in many ways on the details of the implementation strategy' (Personal Interview). It was suggested by Rodney White, Director of the Institute of Environmental Studies, that one of the reasons NRCan was made the lead agency for implementing Kyoto was because of their stronger expertise in energy policy and close relationship with business. However, this led to policy inertia, as NRCan failed to champion the Kyoto agenda. The underlying objective of NRCan is to enhance the natural resources sector's contribution to the country's economy; and as such, the department cannot endorse policies that would knowingly hurt the economy. As John Bennett explained, 'NRCan is in charge of reducing emissions but their mandate also holds them responsible for building energy [and] to exploit natural resources<sup>68</sup>: it is like telling it to stand on its head and work backwards' (Personal Interview).<sup>69</sup> NRCan staff did not work on the assumption that Kyoto's ratification was inevitable especially after the US withdrawal (Hengeveld Personal Interview); and yet they were the department in charge of Kyoto's implementation between 1998 and 2004. It was even suggested that policy advisors at NRCan colluded with the anti-Kyoto lobby to 'selectively leak' unfavourable economic models of Kyoto implementation to prevent

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<sup>68</sup> For example, NRCan has approved every oil sands project that has been submitted.

<sup>69</sup> It was also reported that the staff at NRCan responsible for climate change do not get as much time with the Minister, further indicating it is not a priority issue.

ratification (Bramley Personal Interview). Afterwards, the department favoured voluntary approaches such as the Voluntary Climate Change Registry Program over a legally binding emissions trading scheme. As summarised by Glen Toner, ‘the fossil-fuel sector, the government of Alberta, and NRCan formed a formidable juggernaut against regulating economic activities to achieve reductions in greenhouse gases. They have been successful in promoting a National Action Plan on Climate Change that consists primarily of a voluntary challenge and registry (VCR) initiative’ (2002, p. 100).

On the other side, Environment Canada cultivated a strong relationship with the scientific community and ENGOS. Unsurprisingly, Environment Canada ‘share[s] a much greater sense of urgency and question[s] the effectiveness of voluntary initiatives to fully meet the targets’ (Toner, 2002, p. 101; Supported by Bennett Personal Interview; Anderson Personal Interview). Government officials at Environment Canada assumed ratification of Kyoto; and it was Hon. David Anderson (and later Hon. Stéphane Dion) who worked with the international community and Canadian ENGOS to push for ratification and more robust mitigation policies.

This closeness between government departments and interest groups is mutually beneficial, and there is no reason to assume that this channel of influence is detrimental to policy formation in and of itself. Government gains knowledge and expertise whilst interest groups gain access and influence. However, the problem lies when government must rely on the expertise of the group it seeks to regulate, and moreover, when there are bureaucratic divisions within government that interest groups can exacerbate and exploit. When this happens, organised interest groups are able to constrain the actions of government through this level of access and influence. Interest groups can expose structural weaknesses in government, which for our purposes intersects between the structural and pluralist analysis of this chapter and Chapter 4. Unlike issues of health or education, federal environmental policy in Canada is divided between two departments,

namely Environment Canada and Natural Resources Canada. Both departments have evolved to represent different clientele and competing mandates. In essence, they have come to represent different epistemic communities, and this division proved just as detrimental to federal climate change policy formation as the larger, regional divisions within Canada.

## **5.7 Conclusion**

The role of interest groups in climate change policy is well documented. However, the pressure they wield is specific to each country where influence is channelled or expressed depending on the political system and national context at the time. In the case of the Kyoto Protocol, the scientific community and ENGOs first championed and largely framed the climate change issue – tapping into the public’s strong sense of environmentalism and multilateralism which was echoed by the federal government. The vocal opposition within industry failed to steer the agenda or scare the public and government over the economic costs. This was surprising because Canadian greenhouse gas emissions rose steadily between the signing and ratification of the Kyoto Protocol, with growth in oil and gas bringing large investment into the country. However, the anti-Kyoto camp was undermined by labour unions and failed to convince key government decision-makers that the Protocol would bankrupt the country. Where industry demonstrated the greatest influence for a time was dominating the NRTEE consultations, which published reports recommending intensity targets over absolute GHG emission targets and a regulatory framework in line with American states – all key policy points supported by industry’s recommendations (Supported by Coward and Weaver, 2004; Macdonald, 2008). The evidence also suggests that industry was able to steer NRCan away from ambitious mitigation policies. Anti-Kyoto industry groups were able to obstruct and slow federal policy formation and won important concessions in the process;

however, they failed in their overall policy objective to prevent ratification and carbon pricing.

One possible reason for industry's failure despite their formidable resources and close professional relationship with NRCan can be seen in the work of David Vogel (2005) and Neil Mitchell (1997). There is a 'cyclical pattern in business policy influence' (Mitchell, 1997, p. 20). David Vogel examined environmental health and safety, energy, and tax policy in the United States and found that industry's influence was cyclical depending on the strength of the economy. Of course, the influence of business is expressed differently in Canada; however, it is possible that 'good economic performance decreases business political power, as the public raises their expectations about what business can afford' (Mitchell, 1997, p. 20). Conversely, poor economic performance harms public confidence in industry leaders, which in turn affects public perception and corporate agenda-setting. Economic downturns may also impact other organised interest groups such as labour unions and non-profit organisations, further complicating the picture.

The other possible explanation for industry's failed bid to block the Kyoto Protocol was because their message lay in sharp contrast to Prime Minister Chrétien and the Minister of Environment, who both sought to ratify the Protocol. Although many within the federal government opposed Kyoto's ratification in 2002, Chrétien pushed it through undaunted by industry opposition or even the reservations of his Cabinet. After the Liberal Party lost in 2006, industry found a strong ally in Stephen Harper. Although public support has remained constant for the Kyoto Protocol, the Conservative government dismantled the LFEs Program in 2006 and formally withdrew from the Protocol in 2011. The 2008 global economic downturn and Harper's political ideology have since strengthened the oil and gas lobby within Canada. Threats of capital strike

carry much more weight and green groups, in particular, have been side-lined and have been demonised as terrorists in some instances (McCarthy, 2012).

The power of industry to buy votes or threaten the government with capital strike and job loss is a powerful channel of influence. However, under the Liberal Party, bureaucratic fighting between NRCan and EC did more to hamper Ottawa's Kyoto ambitions than direct lobbying from the oil and gas sector. These two departments not only represented different clientele, but different sets of expertise in economic versus scientific analysis, and politically powerful epistemic communities. At a fundamental level, one can infer that the two departments also conceived the problem of climate change policy in very different ways. Literature on organisational culture and epistemic communities reveals how vested interest groups can change the pattern of learning which will frame 'how states identify their interests and recognise the latitude for state action' (Hass, 1992, p. 2). The rift between NRCan and EC may also go a long way to explain the schizophrenic nature of federal climate change policy, especially when viewed in conjunction with the limited federal powers to implement Kyoto.

## Chapter 6 Conclusion

In December 2011, Canada became the first and only country to withdraw from the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC). It is unusual for a country to withdraw from a ratified international agreement, and shocking for one who was one of the original flag-bearers. As explained by Josh Roberts, an environmental lawyer, '[c]ountries can trigger these release clauses, but it happens very rarely. For example, Norway and Iceland left the International Whaling Commission's treaty, but such moves are rare' (Quoted in Vaughan, 2011). Nonetheless, this is what Canada unceremoniously did. Canada's Minister of Environment, Hon. Peter Kent, referred to the country's formal withdrawal as an 'early Christmas present to myself and to Canada' (Speech, 2012). These remarks represent a different approach and regard for international agreements than witnessed under the previous government; and it is common to see the response of the Conservatives to Kyoto as marking a complete reversal in Canada's climate change policy. Indeed, this is an image that suits both the left and right alike, but how real is it?

When the Conservatives assumed power in 2006, the Party began dismantling the federal climate change programme and it currently has no explicit climate-energy policy to reduce GHG emissions (Supported by Macdonald, 2008). In 2013, a report ranked 'Canada 55th of 58 countries in terms of tackling greenhouse gas emissions, ahead of only Iran, Kazakhstan and Saudi Arabia' (*The Canadian Press*, online). Although the federal government has publicly agreed to a new target for GHG emissions reductions at 17% below 2005 levels by 2020 (under the Copenhagen Accord), it has also declared itself 'an emerging energy superpower' (Prime Minister Harper quoted in Leslie, 2014) and has refused to introduce any climate change programmes that would distract from the burgeoning oil sands development in the Prairies, or wider economic ambitions.



It would be tempting to put the country's tarred environmental image entirely on Conservative shoulders. However, putting aside the hostile rhetoric, they represent more of a continuation than a radical break in climate change policy. It is highly unlikely a meaningful climate change programme will be initiated under the current Prime Minister. Indeed, industry leaders back in 2008 did not believe Harper would act on a promised cap-and-trade system and there is no indication that they bet wrong. And yet, greenhouse gas emissions rose to more than 29% above the country's Kyoto target under the Liberal government.<sup>70</sup> Even if the 2015 election ushers in a new, more supportive Party, they will encounter the same problems as Jean Chrétien. A strong mandate from the top is only the first step in a country whose regional energy divisions have only grown since 2006.

This thesis sought to understand why and how the federal Canadian government shifted from being an international leader to a laggard in the Kyoto Protocol – a trend that began under the Liberals and has accelerated under the Conservative Party. In doing so, I tested some of the major assumptions surrounding both Canada's involvement in the Kyoto Protocol and failed implementations; in the hope to understand climate change politics in Canada, the motivations and rationales behind the actions of the federal government, and the constraints upon their ambitions. This conclusion will summarise the findings and empirical contributions of this thesis organised by Chapter. I will then offer my academic, conceptual contributions on what this thesis might mean in terms of the state and the actions of government, balancing the lessons learned from and about the three broad theoretical perspectives. The chapter will then step back and address the wider implications in terms of climate change politics in Canada, before concluding with final thoughts.

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<sup>70</sup> Rise in GHG emissions between 1990-2006. Since then emissions have reduced owing more to the global economic downturn in 2008 than any federal or provincial policy.

## **6.1 Summary of Findings and Empirical Contributions**

As outlined in the Introduction Chapter, this thesis was framed in a systematic way by three over-arching research questions, which encompassed different theoretical perspectives for explaining the puzzle of Canada's transition from international leader on climate to laggard. Each question sought to test distinct theoretical approaches for understanding "the state" and explaining the actions of government: moving from a rational actor model where the Canadian government is framed as a personified actor under Chrétien; to a pluralist (or 'government politics model' in Allison and Zelikow, 1971) definition where the federal government is neither assumed to be unified nor to be the most powerful actor in the political system. The analysis also moved progressively from the international to the domestic level analysis. This was important since the politics of climate change, and especially the UNFCCC negotiations, are most often studied at the international level. What this thesis has shown is that the domestic actors and internal bargaining processes were as important, if not more so, for understanding the actions and inactions of the federal Canadian government.

During early, exploratory research, two main explanations were proposed time and time again by informants as to why the Government of Canada was eager to sign the Kyoto Protocol. The first was strategic interest in enhancing Canada's international reputation, or more cynically to appear "greener" than the Americans. Then there were those that cited Canada's innate support for environmental stewardship and multilateralism amongst the public and decision-makers. Both norms entrenched in Canada's national psyche also make the country's inaction on climate change so surprising and frustrating for pundits and academics alike. The next step was to test these different interpretations (Research Question 1): to ask how and why did international norms and strategic interests align and motivate the Government of Canada's early support for the Kyoto Protocol? Chapter 3 used the theories of neorealism and social

constructivism to understand the motivations behind Canada's foreign policy decisions. They represent two competing views of norms and foreign policy; and also epitomise different paradigms of the state and decision-making in foreign affairs, especially as constructed by them. It was particularly useful to note the language employed by Canadian delegates and Ministers, who tended to frame their answers in either geopolitical, strategic terms or by evoking moral language. Moreover, Canada's original position at COP3 was mandated with relatively little analysis of the costs and implications of different policy actions. For this reason, it was a fascinating case study to explore the principal motivating factors for the government in the absence of significant analysis. The evidence overwhelmingly demonstrated how the targets under discussion were largely plucked from the sky, which made the Kyoto Protocol a case study more in political optics than has been witnessed in other international agreements such as trade.

Chapter 3 showed that a traditional neorealist, geopolitical understanding provides only a partial explanation for Canada's foreign policy decision to sign and ratify the Kyoto Protocol. Social constructivism expands the neorealist approach to include the perceptions and beliefs of key decision-makers into the analysis; in this case, the view of Prime Minister Jean Chrétien as well as his Ministers. Rather than sitting in opposition to each other, as is sometimes seen in international agreements (e.g. NAFTA), Canada's strategic interests and her norms of environmental stewardship and multilateralism were aligned in the case of the Kyoto negotiations, and both contributed to Chrétien's eager support. Canada had a guiding hand in the creation of the UNFCCC, and at one time even proposed a more ambitious Law of the Atmosphere. The Kyoto Protocol adhered to Chrétien's long-standing support for multilateralism and global governance, and the specific target was mandated to keep in step with Europe, Japan, and principally the United States: for Canada to do its part and be a good boy scout.

When the United States withdrew from Kyoto, Chrétien was presented with an opportunity to differentiate the country from her southern neighbour. Canada also won concessions that recognised the country's large carbon sinks and that reduced her target by roughly one-third. Thus, Canada was able to surpass the United States with effectively a lower commitment. The problem, however, was that throughout this time period the provinces repeatedly had been sidelined. In the next phase of Canada's implementation, regionalism and political battles between Ottawa and the provinces stalled the federal government's ambitions. The social constructivist approach within International Relations provides robust explanatory power to understand Canada's motivation and rationale for joining the Kyoto Protocol and the country's commitment target. However, it positions the federal Government of Canada at the top of the totem pole and still adheres to a rational actor model (albeit one constrained by the beliefs and perceptions of its decision-makers).

The international level analysis also provided a strong understanding of why Canada was an eager participant in the Kyoto Protocol; however, Canada's attempts at implementation were shaped more by the structure of the state combined with regional divisions both of which undermined Chrétien's aspirations to play a positive role in the international climate change regime. The second part of this thesis, Chapter 4, took its cue from Robert Putnam's metaphor of "two-level" diplomacy to investigate (Research Question 2) the limits on unilateral federal action and how provincial demands and federal-provincial coordination processes shape climate change policies in Canada.

In the case of Kyoto, Chrétien's majority federal government held sole power to accede the Protocol, but limited powers to implement without the provinces. This is because the provinces hold greater powers over energy and environmental policy, and multiple veto points in the federalist system mean that a small number of provinces can hold up agreement on matters of national importance, if they so choose. Issues such as

universal health care, education, and the environment require careful harmonisation between both tiers of government. This kind of consultation and coordination is a hallmark of Canadian federalism, but when it breaks down, the federal government has few options to act unilaterally. The National Energy Program is a case in point; and offered a cautionary tale for the implementation of the Kyoto Protocol, especially the pursuit of a carbon tax. In fact, these regional divisions in Canada may be more potent than ever with redistribution of wealth and population moving away from the east and to the west in recent years.

The provinces are naturally guarded against federal intrusion; however, it is the ability of energy policy to rekindle regional divisions that made the Kyoto Protocol political TNT. Despite Chrétien's assurances that Alberta and Saskatchewan would not be unfairly penalised, it was clear these provinces would pay a higher price for Canada's compliance. The implementation of the Kyoto Protocol was further hampered by the diminished capacity of both the provinces and Ottawa to study and formulate policy. By the time of ratification, only two out of 10 provinces had produced climate change plans of their own, and the first provincial legislation was not introduced until 2003 (six years after Kyoto). As the provinces saw it, they had little reason to dedicate resources to implementation while the Protocol's ratification remained undecided. Although this delay may have strengthened Canada's position in the UNFCCC negotiations and given the country much needed time for policy formulation, it also had the unintended consequence of disincentivising action from the provinces until it was secured. The five-year delay also spurred the anti-Kyoto lobby in Canada who joined with the Premier of Alberta and Natural Resources Canada to form a 'formidable juggernaut' to block Kyoto at every turn (Toner, 2002, p. 100).

In the end, Ottawa failed to garner the necessary support from the provinces, hampered by ineffective coordination processes and weak capacity. The rationale behind

the National Roundtable on the Environment and the Economy may have made it logical to consult and analyse the country's various policy options (although at times it did appear to represent only the lowest common denominator). However, NRTEE could not take the place of formal negotiations between Ottawa and the provinces, especially over how reductions and the costs of meeting them might be shared amongst the different regions of Canada. The federal government attempted to rally support, but instead was left squabbling with the provinces with weak capacity and no power to impose agreement. Now domestic climate change policy has been turned on its head. There is a proliferation of provincial climate change plans with no leadership from Ottawa. These policies range in size, scope, and ambition, and sit like ornamental china figurines on a shelf with no clear arrangement or coordination amongst them.

The last piece of the puzzle resides with interest groups in the Canadian climate change debate. Chapter 5 asked (Research Question 3): how, why, and with what wider effects did organised interest groups shape Canada's response to the Kyoto Protocol? The previous chapters examined the regional economic divisions within Canada, but organised interest groups entered the analysis only as brief cameos. In Chapter 5, they take centre stage with the federal government demoted to one actor amongst many, consigned to battle with powerful interest groups as they vie to dominate the political agenda and shape climate change policy. This pluralist approach views the actions of federal government not through the lens of a unified, rational actor; but more as the reaction and consequence of political battles with external actors, and even battles within itself – what Allison and Zelikow refer to as the 'governmental politics model' (1999).

This final stage of the thesis tested the assumption that Canada's inaction in Kyoto was largely due to powerful industry groups. Some business coalitions certainly drew attention to themselves with aggressive public campaigns against the Kyoto Protocol. Yet their outward campaign failed to block ratification. This thesis found that industry as a

subset are heterogeneous by nature, but as a group have hindered implementation and possibly encouraged withdrawal. The anti-Kyoto coalition was not as all-powerful as it wished itself to be, and many within the business community did not view climate policy as particularly onerous. In many ways, industry as a stakeholder group is a moving target for academic study. It is in constant state of flux with respect to diverse interests and objectives on climate change policy; yet many pursued a tactic of adaptation and cooperation with the federal government, rather than obstruction. Even some of the large oil corporations saw rent-seeking opportunities and reputational benefit with modest regulation.

In Chapter 5, I employed a pluralist view of the state and interest groups. I ring-fenced the principal stakeholders in the domestic Kyoto debate to examine how and with what influence they were able to shape the actions of the federal government under four categories of influence. In sharp contrast to the United States, campaign finance is not a potent form of influence within Canada owing to the country's strict regulations for donation and sponsorship, strong party discipline, and erratic election cycles. However, in terms of setting and dominating the agenda, interest groups as a whole showed a high degree of influence, especially when different groups worked in concert to refute climate denialism along with anti-Kyoto campaigns spearheaded by the Alberta Premier and vocal members of the oil and gas sector. Here we also see interest groups switching allegiances, coordinating their messages with the federal government in some instances and fighting Ottawa in others. In the third channel of influence, the powerful trade associations attempted to scare the public and decision-makers with the prospect of capital flight from Canada and significant losses in jobs and the economy. This channel of influence received a significant amount of media attention, and can be viewed as a partial success for industry. They won important concessions from the government but failed in

their overall objective to block Kyoto's ratification and a carbon price. They won the battle but lost the war.

The final channel of influence was the most challenging area to study but one that is too often overlooked: the influence that comes with working closely with government departments in policy formation. Here we find that vested interest groups were able to exacerbate the bureaucratic rift between Natural Resources Canada and Environment Canada, and for a time, prevent stricter regulations when NRCan was in charge of domestic implementation. Although it was not the only factor hindering Canada's implementation, it was an instructive case of the close relationship between business and regulator, with relevance not just for climate change policy but environmental regulation in general and issues such as finance.

## **6.2 Conceptual Contribution**

It was Karl Popper who wrote, '[w]henever a theory appears to you as the only possible one, take this as a sign that you have neither understood the theory nor the problem which it was intended to solve' (1979). It was not the aim of this thesis to prove or disprove one theory over another. All of the theoretical perspectives used in this analysis have their strengths and weaknesses owing to their distinct framing of the state and policymaking. However, collectively, they offer a more comprehensive analysis of climate change politics in Canada and greater explanatory power for the actions of government. Although these three broad perspectives cannot be merged, it is also important to note there is a high degree of cross-pollination between them as they are further refined through new academic analysis.

One important point of difference between these three broad approaches is how they define "the state", in our case, the federal Government of Canada. Within IR, the



state is conventionally treated as a rational and purposeful actor who is value-maximising. This conceptualisation of the state is prevalent today and adheres to a geopolitical view of states and global politics found in the broadsheets and Conference rooms in equal measure. Thus, the federal government, under the helm of Jean Chrétien, is viewed as acting under a consistent foreign policy that supported both multilateral cooperation and environmental stewardship. Such international norms translated to Canada's national identity at that time. Strategic interests were also important, especially the political optics of Canada's foreign policy in comparison to the United States. The Kyoto targets were bartered between countries like playing cards, and held little correlation to scientific or economic analysis. This is significant since IR traditionally views the decisions of government as a cost-benefit analysis, where objectives are weighed against possible, future consequences. This thesis revealed how the Government of Canada changed its negotiation mandate from stabilisation to -3% and again to -6% based more on moral and reputational considerations with little understanding of what exactly they were signing up to.

In the second stage of the analysis, the rational actor model is expanded to examine the structure of the Canadian federalist system, how power is distributed between the two tiers of government, and the multiple veto points found within. The federal government is still treated as a rational actor who again is value-maximising, but unlike the chaos of the international system, domestic politics are dictated by the capacity of the government and division of powers laid out in the constitution. The federal government has limited powers to act unilaterally without the provinces; and few politically attractive options to implement Kyoto.

In contrast, pluralism views "the state" as one actor amongst many in society, whose heterogeneous nature makes the rational actor model largely meaningless. The Government of Canada is not a monolithic entity, and as such, the actions of government

are viewed more as responses or outputs of micro-political battles both within the federal government and between the government and external actors. Pluralism also explores the role of ideas and social learning (through epistemic communities), but unlike social constructivism, the analysis is not channelled through a personified state. Pluralism is ideal for exploring the schizophrenic behaviour of the Canadian government with respect to the Kyoto Protocol, by focusing on the informal constraints on government, in addition to the legal constraints dictated in the constitution.

It is impossible to reconcile pluralism and the rational actor model. To draw a comparison with physics, they are as different as quantum mechanics and general relativity. Yet one without the other would yield an incomplete understanding of the actions of government. That said, there may be one helpful heuristic model for conceptualising these three broad perspectives, stemming from Simon's notion of "bounded rationality" (1985). Despite their different treatments of the "the state", as either a rational, purposeful actor or heterogeneous organisation; they all wrestle with a fundamental question: are the actions of government the result of intent or consequence? Policymaking stems from both the objectives of actors in the system and the constraints upon their ambitions. There may be a period where the actions of government appear to be dominated more by intent *or* consequence, but both dictate actions and the final result.

### **6.3 Wider Implications**

There is one final unanswered question posed at the beginning of this thesis: what lessons can we learn about Canada's participation in the Kyoto Protocol, for both the country and other federalist states? The first important lesson is that identity matters but context matters more. Countries within the EU, for example, did not achieve their Kyoto targets because they are necessarily greener than Canada. Canada's national identity is the

environment and there was a time when she held as much ownership as Europe in the emerging international climate change regime. The Canadian case-study demonstrates the barriers to climate change policy for federalist countries, and also highlights factors unique to Canada. The most important of which is the structure of the Canadian federalist state. Ottawa has limited powers to introduce climate-energy policy – far fewer than unitary states such as the United Kingdom and France.

Federalist countries require greater bargaining and coordination between different levels of government, with federal governments often consigned with limited constitutional powers. This tug-of-war between tiers of government can become frayed by historic, regional political divisions and/or powerful interest groups. In the United States, industry groups are formidable owing to limited restrictions on campaign finance and greater doubt over the science of climate change both amongst the public and policy-makers alike. As one chief US negotiator remarked, anti-Kyoto groups do not need to disprove climate change, they just need to ‘muddy the waters’ (Personal Interview). This uncertainty combined with strong electoral disincentives means that the anti-Kyoto lobby was politically stronger in the United States than in Canada, especially since the US Congress holds less power than parliamentary democracies to exercise party discipline. As Kathryn Harrison observed,

‘US climate legislation requires approval by three distinct actors: the House, the Senate, and the president, each acting independently [...]. Indeed, filibuster rules and the threat of a presidential veto mean that supermajorities may be required in one or both houses of Congress. This means that advocates of policy change need to build a broader coalition than do interests who seek to block change.’ (in Harrison and Sundstrom, 2010, p. 76).

After the creation of the Kyoto Protocol, both Chrétien and Clinton had limited powers to implement Kyoto but for different reasons. In the US, Clinton’s hands were essentially tied with the Byrd-Hagel resolution preventing ratification; whereas Chrétien pushed through ratification but wielded few policy levers to implement without the provinces on

side. The result was that in both countries climate change policy has been more successful at the state/provincial level and will continue to be so for the foreseeable future.

One can also reflect on similarities and differences with other federalist countries. For example, there are many common features between Germany and Canada. Germany has been able to achieve greater reductions in GHG emissions not least since reunification. However, both countries fractured their climate change file across different Ministries. In Germany, the file is principally shared between the Ministry for the Environment, Nature Protection and Nuclear Safety (BMU) and the Ministry of Economics and Technology (BMW) (Michaelowa, 2008). The competing mandates and bureaucratic fighting between Canada's EC and NRCan are echoed between BMU and BMW. Germany has also struggled to introduce strict energy efficiency mandates and to implement a credit trading system. The BMW tried to weaken the EU ETS similar to NRCan's obstruction to carbon pricing and the LFE Programme. Fortunately the credit trading system in Germany improved through domestic pressure of German ENGOs and the Green Party, and international pressure through the European Union. Where Germany has shown greater leadership is through championing renewable energy to achieve a competitive advantage in new energy technologies (especially with the phasing out of nuclear energy by 2022), rent-seeking opportunities for industry, and a strong coalition between ENGOs, trade unions, and farmer associations who benefit from land deals and job creation (Michaelowa, 2005).

The comparison between Canada and Australia is also interesting since both have been branded laggards throughout the Kyoto Protocol negotiations. Despite general public support, Australia resisted the Protocol with an economy highly dependent on coal exports. The government also aggressively fought for landuse concessions under the Kyoto Protocol (the so-called Australia clause), reducing her commitment by roughly 30 percent similar to Canada. Scholars have cited an uncomfortably close relationship

between industry and government, which it has ‘criticized for blurring government-industry boundaries in the drafting and managing of policy, the funding of research into the cost of abatement, and the inclusion of industry on international government delegations’ (Crowley, 2010, p. 208). The Australian federal government did manage to introduce a carbon tax for two years. Similar to the 2008 Canadian federal election, the carbon tax in Australia became a highly divisive issue. However, the most important difference between Australian and Canadian federalism is that the Australian constitution does not allocate specific powers to each federal and state government, and thus Canberra can impose policy on the states.

Overall, the Canadian federalist system closely resembles the European Union. Similar to federalist countries, there are multiple veto points in the EU system and numerous lobbying channels for anti-Kyoto groups. Furthermore, the constitutional rules governing the EU system maintain core powers of its member states just as the British North America Act protects provincial authority in key areas. For example, the EU was never able to achieve a carbon tax since taxation and energy policy require unanimity in the Council of Ministers and not a majority vote as seen in other policy areas.<sup>71</sup> Where the EU was able to demonstrate significant progress, most notably through the EU ETS, was through coalition building and ‘competitive leadership’ where countries holding the EU presidency sought to out-compete their predecessors, strengthened further by the push for greater EU integration overall (Schreurs and Tiberghien, 2010). Similar to the ‘the California effect’ in the United States where US states compete to keep up with innovation in California, European countries sought to match or surpass one another in climate change policy.

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<sup>71</sup> Tax policy is one of three areas where unanimity is required in EU Council of Ministers, the others being land-use planning (with some exceptions) and choice over the strategic direction of energy systems.

Unlike the federal Canadian government, the EU recognised it did not have the authority to plough ahead of the individual national governments. The treaty-based negotiations to share the burden amongst the 15 EU countries were necessary to meet their Kyoto commitments, and these formal negotiations were a necessary ingredient missing in Canada during the federal-provincial consultations.

Moving forward, there are several important lessons that can be drawn from this thesis for Canada alone. The Conservative Party came into power in 2006 and much has been written about the change in style and approach under Stephen Harper, especially Canada's foreign policy (Smith, 2012; Ibbitson, 2014). Harper cut his teeth as a founding member of the right-wing Reform Party based in Alberta, and his political ascent parallels the rise of the region. Where once Ontario and Québec dominated, the policy centre in the country has migrated west and action on climate change appears more remote than ever. Yet, as this thesis has demonstrated, the foreign policy ambitions of the Prime Minister form only the first line in the story. Chrétien's enthusiasm for Kyoto, however vital to get ink to paper, did not render effective domestic climate change policy in the long run or reductions in the country's growing GHG emissions. In fact, the only substantial decreases in emissions are a byproduct of the 2008 economic downturn. The most significant factors for Canada's inaction on Kyoto, and any future international commitment, lies with the domestic context, not foreign policy ambitions. A change in leadership does not equal a change in result.

Since Canada ratified the Kyoto Protocol, the provinces have formulated their own climate change plans with varying degrees of success (See Holmes, 2012; NRTEE, 2012). At this point in time, both a national carbon tax and cap-and-trade system would be viewed by voters as a duplication of effort (Dion Personal Interview); and a legal challenge from the provinces would stand a greater chance of success for the same reason. What was missing under the Liberal Party, and what continues to be lacking, are

formal coordination mechanisms between all the provinces and Ottawa: for the federal government to act as an honest broker between the provinces, just as she seeks to do in the global system. The tug-of-war between the federal and provincial governments, and regional undercurrents which flow beneath most national debates, are a fact of Canadian political life. As much as Chrétien sought to go it alone on Kyoto, his policy options were severely limited.

Thus, since Canada's domestic implementation of the Kyoto Protocol resembles a two-level game similar to the European Union, it has been proposed that the federal government embrace that model with formal, codified negotiations seeking specific emission targets for each province and territory (See Macdonald, 2008). Chrétien abandoned such federal-provincial negotiations largely due to Alberta's obstructionist tactics. But the provinces have since accepted emissions reductions; at least in principle, and with growing pressure from the territories, municipalities, trade unions, and ENGOs, there is scope to bring everyone around the table once again.

Perhaps the most promising ballast to Canada's entrenched regional economic and political divisions is the growing public awareness of the regional impacts of climate change (Supported by Harrison, 2010). The costs incurred by more extreme droughts in the Prairies, the zebra mussel invasion of the Great Lakes and the pine beetle decimation of the soft timber industry of British Columbia, are but a few examples.

In fact, '[o]ne former government official involved in the negotiations over softwood lumber tariffs [between the US and Canada] mentioned the possibility that the agreement reached in 2006, which was certainly not in tune with the Canadian government's initial demands, was provoked at least partly by the pine beetle – or, rather, the urgent need to clear forests before infestation and, as a result, the need to resume large-scale exports' (Stoett, 2009, p. 342).

The public debate and the role of interest groups will evolve as the risks of climate change become more apparent and urgent for the provinces and federal government alike.

Most likely, the Courts will also be used by state and non-state actors, as predicted by the Federation of Canadian Municipalities.

#### **6.4 Final Thoughts**

This thesis has contributed to literature on Canada's participation in the international climate change regime; most importantly, the political geography of climate change policymaking in a highly decentralised and regionally asymmetrical country. The debate over climate change has most often been studied between the United States and the European Union. As with most environmental issues, this concentration of study leads to oversimplified and exaggerated conclusions (Schreurs, Selin, and VanDeveer, 2011), although there are promising new areas of research in recent years. Context matters and with each new country, our analysis and understanding becomes more sophisticated. Rather than focusing on the international level and assuming some administrations to be more "green" than others, we must seek to understand the rationale behind foreign policy, the domestic context, and the capacity within each political system to act. Nothing can be gained from just following protocol.



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A world map illustrating the distribution of COVID-19 cases by country. The size of each circle represents the number of cases, and the color indicates the status: red for negative growth and blue for positive growth. The data is as follows:

Country	Color	Value 1	Value 2
USA	Red	-18	
CAD	Red	-19	
UK	Blue	13	28
Germany	Blue	21	27
Russia	Blue	0	31
Japan	Blue	6	3
Spain	Red	+15	24
Italy	Blue	6	6
France	Blue	0	12
Poland	Blue	6	29
Ukraine	Blue	0	57
Australia	Red	+8	32
Turkey	Red	-124	
South Korea	Blue	8	32
China	Blue	8	32
India	Blue	8	32
Canada	Red	-19	
USA	Red	-18	
UK	Blue	13	28
Germany	Blue	21	27
Russia	Blue	0	31
Japan	Blue	6	3
Spain	Red	+15	24
Italy	Blue	6	6
France	Blue	0	12
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Poland	Blue	6	29
Ukraine	Blue	0	57
Australia	Red	+8	32
Turkey	Red	-124	
South Korea	Blue	8	32
China			

Rounded to the nearest decimal  
No goal listed for countries who never ratified or  
withdrew

Countries whose emissions have **increased**

Countries whose emissions have **decreased**

## Appendix B. Kyoto Targets for Annex I Countries

### Kyoto Protocol Annex B: Quantified Emission Limitation and Reduction Commitments for the 2008/2012 Commitment Period

Country	Target of 1990 Baseline
EU-15*, Bulgaria, Czech Republic, Estonia, Latvia, Liechtenstein, Lithuania, Monaco, Romania, Slovakia, Slovenia, Switzerland	-8%
US <sup>+</sup>	-7%
Canada, Hungary, Japan, Poland	-6%
Croatia	-5%
New Zealand, Russian Federation, Ukraine	0
Norway	+1%
Australia	+8%
Iceland	+10%

The list includes countries listed in the UNFCCC's Annex I except for Belarus and Turkey who were not included in the Protocol's Annex B as they were not Parties to the UNFCCC when the Protocol was adopted. However, both are listed under Annex I with no mandatory emission targets.

\* The EU's 15 member States committed to a collective -8% target but redistributed for each country taking advantage of a scheme under the Protocol known as a 'bubble'. Some countries were allowed to grow their emissions while others took greater reductions than -8%. See Appendix A for examples.

<sup>+</sup> United States never ratified

Source: UNFCCC website, Annex B of the Kyoto Protocol

## Appendix C. Timeline of Federal Climate Change Policies

<b>1997</b>	Canada announces its intention to sign the Kyoto Protocol (formalised in 1998)
<b>1998</b>	First report published, <i>The Kyoto Conference on Climate Change: Let's Get The Ball Rolling</i>
<b>1999</b>	Six greenhouse gases were to be added to the list of toxic substances in Schedule 1 to the Act. Tabled in 2005 but later withdrawn
<b>2000</b>	The Government of <i>Canada Action Plan 2000</i> committed to reducing GHG emissions by 65 million tonnes per year from 2008 to 2012.
<b>2001</b>	Canada Foundation for Sustainable Development Technology Act: Not-for-profit foundation established to fund green technology
<b>2002</b>	Canada formally ratified the Kyoto Protocol. The federal government released <i>Climate Change—Achieving Our Commitments Together</i> , committed to cut 240 million tonnes of GHG emissions from Canada's projected 2010 level
<b>2003</b>	Additional \$1 billion CAD pledged for climate change programme
<b>2004</b>	One Tonne Challenge announced
<b>2005</b>	<p>The Kyoto Protocol entered into force. The federal government released <i>Project Green—Moving Forward on Climate Change: A Plan for Honouring Our Kyoto Commitment</i>, which committed to reducing GHG emissions by 270 million tonnes per year from 2008 to 2012.</p> <p>Notice of Intent to Regulate Greenhouse Gas Emissions by Large Final Emitters</p> <p>Greenhouse Gas Technology Fund Act</p> <p>Canada Emission Reduction Incentives Agency Act</p>
<b>2006</b>	Clean Air Act. Under the newly elected Conservative government the Large

	Final Emitters programme was abandoned. Their new Clean Air act (and budget) made no mention of Kyoto Protocol; only introduced a tax credit for the purchase of monthly transit passes
<b>2007</b>	<p>Environment Canada released the first climate change plan, as required by the <i>Kyoto Protocol Implementation Act</i>, which indicated that Canada's target was to reduce GHG emissions to an average of 6% below its 1990 emission level over the 2008–2012 period. The plan reiterated the government's commitment as indicated in "Turning the Corner" and added a commitment to reduce Canada's total GHG emissions by 60 – 70% by 2050. These targets were repeated in the 2008 and 2009 climate change plans.</p> <p>The <i>Kyoto Protocol Implementation Act</i> is assented to in June, 2007.</p> <p>The plan, <i>Turning the Corner</i> was announced. The government announced Canada was not on track to meet Kyoto and announced a new target to reduce GHG emissions by 20% below Canada's 2006 level by 2020.</p>
<b>2010</b>	Canada committed to reducing GHG emissions by 17% below its 2005 level by 2020 under the new Federal Sustainable Development Strategy.
<b>2010</b>	Canada pledged \$400 million in new and additional climate change financing for 2010-2011
<b>2011</b>	Canada announced its intention to formally withdraw from the Kyoto Protocol. Canada committed to 17% cuts from 2005 levels by 2020 – lower threshold to meet than cutting below 1990 emissions levels



## Appendix D. Political Parties in Parliament 1997-2012

	Governing Party	Opposition Parties			
1997	Majority Liberal Party 155 seats	Reform Party 60 seats	BQ 44 seats	NDP 21 seats	PC 20 seats
2000	Majority Liberal Party 172 seats	Alliance Party 66 seats	BQ 38 seats	NDP 13 seats	PC 12 seats
2004	Minority Liberal Party 135 seats	Conservative Party 99 seats	BQ 54 seats	NDP 19 seats	
2006	Minority Conservative Party 124 seats	Liberal Party 103 seats	BQ 51 seats	NDP 29 seats	
2008	Minority Conservative Party 143 seats	Liberal Party 77 seats	BQ 49 seats	NDP 30 seats	
2011	Majority Conservative Party 166 seats	NDP 103 seats	Liberal 34 seats	BQ 4 seats	Green 1 seat